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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEFENSE PRODUCTION ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, a new section, § 6.159, is added as set out below.

§ 6.159 *Defense Production Administration.* (a) Not to exceed ten positions of Special Assistant to the Administrator in grades GS–14 or GS–15.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] L. A. MOYER,
Executive Director.

[F. R. Doc. 51–2578; Filed, Feb. 23, 1951; 8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 360]

PART 966—ORANGES GROWN IN THE STATES OF CALIFORNIA OR IN ARIZONA

LIMITATION OF SHIPMENTS

§ 966.506 *Orange Regulation 360*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66, as amended (7 CFR Part 966; 14 F. R. 3614), regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said amended order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Orange Administrative Committee on February 21, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of oranges grown in the State of California

(Continued on p. 1785)

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FEDERAL REGISTER

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CODIFICATION GUIDE

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CODIFICATION GUIDE—Con.

or in the State of Arizona which may be handled during the period beginning 12:01 a. m., P. s. t., February 25, 1951, and ending at 12:01 a. m., p. s. t., March 4, 1951, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1: No movement;

(*b*) Prorate District No. 2: No movement;

(*c*) Prorate District No. 3: 30 carloads;

(*d*) Prorate District No. 4: No movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate District No. 1: Unlimited movement;

(*b*) Prorate District No. 2: 1,200 carloads;

(*c*) Prorate District No. 3: Unlimited movement;

(*d*) Prorate District No. 4: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used herein, "handled," "handler," "varieties," "carloads," and "prorate base" shall have the same meaning as when used in the said amended order; and the terms "Prorate District No. 1," "Prorate District No. 2," "Prorate District No. 3," and "Prorate District No. 4" shall each have the same meaning as given to the respective terms in § 966.107, as amended (15 F. R. 8712), of the current rules and regulations (7 CFR 966.103 et seq.), as amended (15 F. R. 8712).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of February 1951.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Feb. 25, 1951, to 12:01 a. m., P. s. t., Mar. 4, 1951]

VALENCIA ORANGES

Prorate District No. 3

Handler	*Prorate base (percent)*
Total	100.0000
Allen & Allen Citrus Packing Co	.8180
Consolidated Citrus Growers	12.5384
McKellips Citrus Co., Inc	9.5899
Phoenix Citrus Packing Co	1.5596
Arizona Citrus Growers	13.7209
Chandler Heights Citrus Growers	2.5304
Desert Citrus Growers Co	4.6648
Mesa Citrus Growers	13.4215
Tempe Citrus Co	2.0574
Imperial Valley Grapefruit Growers Association	.8843
Southern Citrus Association	1.8046
United Citrus Growers	1.3082
Yuma Mesa Fruit Growers Association	6.1612
Leppla Henry Produce Co	9.8886
Maricopa Citrus Co	1.0240
Pioneer Fruit Co	5.6293
Clark & Sons Produce Co., J. H	.4239
Commercial Citrus Packing Co	1.0965
Hi Jolly Citrus Packing House	.5054
Ishikawa, Paul	.0675
Macchiaroli Fruit Co., James	.8604
Mattingly, Charles A	.4162
Orange Belt Fruit Distributors	1.9929
Panno Fruit Co., Carlo	.0183
Potato House, The	.2338
Russo Bros	1.7617
Sunny Valley Citrus Packing Co	3.0723
Valley Citrus Packing Co	1.9500

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 2

Handler	*Prorate base (percent)*
Total	100.0000
A. F. G. Alta Loma	.2593
A. F. G. Corona	.2478
A. F. G. Fullerton	.0312
A. F. G. Orange	.0475
A. F. G. Riverside	.6921
A. F. G. Santa Paula	.0485
Eadington Fruit Co., Inc	.6214
Hazeltine Packing Co	.1326
Krinard Packing Co	1.7034
Placentia Cooperative Orange Association	.8103
Placentia Pioneer Valencia Growers Association	.0753
Signal Fruit Association	.7449
Azusa Citrus Association	1.5672
Covina Citrus Association	1.8559
Covina Orange Growers Association	.6691
Damerel-Allison Co	1.2765
Glendora Citrus Association	1.4956
Glendora Mutual Orange Association	.6225
Puente Mutual Citrus Association	.0353
Valencia Heights Orchard Association	.2948
Gold Buckle Association	2.6648
La Verne Orange Association	3.8941
Anaheim Valencia Orange Association	.0187
Fullerton Mutual Orange Association	.4657
La Habra Citrus Association	.1589
Yorba Linda Citrus Association, The	.0618
Escondido Orange Association	.5893
Alta Loma Heights Citrus Association	.3781
Citrus Fruit Growers	.9015
Etiwanda Citrus Fruit Association	.1678
Mountain View Fruit Association	.1383
Old Baldy Citrus Association	.4845
Rialto Heights Orange Growers	.3388
Upland Citrus Association	2.8996

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	*Prorate base (percent)*
Upland Heights Orange Association	1.4780
Consolidated Orange Growers	.0293
Garden Grove Citrus Association	.0276
Goldenwest Citrus Association, The	.2360
Olive Heights Citrus Association	.0560
Santiago Orange Growers Association	.1566
Villa Park Orchard Association, The	.0362
Bradford Bros., Inc	.2873
Placentia Mutual Orange Association	.2649
Placentia Orange Growers Association	.3828
Yorba Orange Growers Association	.0586
Call Ranch	.7546
Corona Citrus Association	1.0543
Jameson Co	.4914
Orange Heights Orange Association	2.2361
Crafton Orange Growers Association	.9611
East Highlands Citrus Association	.3118
Redlands Heights Groves	.5690
Redlands Orangedale Association	.6921
Rialto-Fontana Citrus Association	.2949
Break & Son, Allen	.1950
Bryn Mawr Fruit Growers Association	.6991
Mission Citrus Association	.7026
Redlands Cooperative Fruit Association	1.0172
Redlands Orange Growers Association	.7343
Redlands Select Groves	.4382
Rialto Orange Co	.5436
Southern Citrus Association	.6662
United Citrus Growers	.6068
Zilen Citrus Co	.3073
Arlington Heights Citrus Co	.7736
Brown Estate, L. V. W	1.7763
Gavilan Citrus Association	2.0178
Highgrove Fruit Association	.6042
McDermont Fruit Co	1.5455
Monte Vista Citrus Association	1.4033
National Orange Co	1.1630
Riverside Heights Orange Growers Association	.9168
Sierra Vista Packing Association	.8287
Victoria Avenue Citrus Association	3.2689
Claremont Citrus Association	1.0237
College Heights Orange & Lemon Association	2.1840
Indian Hill Citrus Association	1.5697
Pomona Fruit Growers Exchange	1.9854
Walnut Fruit Growers Association	.6798
West Ontario Citrus Association	1.2686
El Cajon Valley Citrus Association	.2915
Escondido Cooperative Citrus Association	.0489
San Dimas Orange Growers Association	1.1522
Canoga Citrus Association	.4189
North Whittier Heights Citrus Association	.1570
San Fernando Heights Orange Association	.3285
Sierra Madre-Lamanda Citrus Association	.1512
Camarillo Citrus Association	.0117
Fillmore Citrus Association	1.3750
Ojai Orange Association	.9635
Piru Citrus Association	1.4686
Rancho Sespe	.0013
Tapo Citrus Association	.0085
Ventura County Citrus Association	.1842
East Whittier Citrus Association	.0081
Murphy Ranch Co	.0788

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 2—Continued

Handler	Prorate base (percent)
Anaheim Cooperative Orange Association	0.0617
Bryn Mawr Mutual Orange Association	.5511
Chula Vista Mutual Lemon Association	.1364
Euclid Avenue Orange Association	2.7943
Foothill Citrus Union, Inc	.6493
Garden Grove Orange Coop., Inc	.0336
Golden Orange Groves, Inc	.2757
Highland Mutual Groves, Inc	.2043
Index Mutual Association	.0140
La Verne Cooperative Citrus Association	3.6964
Mentone Heights Association	.4970
Olive Hillside Groves, Inc	.0041
Orange Cooperative Citrus Association	.0538
Redlands Foothill Groves	1.9353
Redlands Mut. Orange Association	.7667
Ventura County Orange & Lemon Association	.4007
Whittier Mut. Orange & Lemon Association	.0285
Allec Brothers	.0047
Babijuice Corp. of California	.3420
Banks, L. M	.0255
Bennett Fruit Co., Inc	.4161
Book, Maynard C	.0002
Borden Fruit Co	.0142
Cherokee Citrus Association	.7753
Chess Company, Meyer W	.4231
Dozier, Paul M	.0023
Dunning Ranch	.1721
Evans Brothers Packing Co	1.2579
Gold Banner Association	1.4233
Granada Hills Packing Co	.0079
Granada Packing House	.3242
Hill Packing Co., Fred A	.5956
Holland, M. J	.0241
Knapp Packing Co., John C	.3857
Orange Belt Fruit Distributors	2.1228
Orange Hill Groves	.1033
Panno Fruit Co., Carlo	.0925
Paramount Citrus Association, Inc	.1270
Placentia Orchard Co	.1032
Prescott, John A	.0083
Pulos, James J	.0275
Redlands Fruit Association, Inc	.0172
Riverside Citrus Association	.1294
Ronald, P. W	.0371
San Antonio Orchard Co	1.4431
Stephens, T. F	.1646
Summit Citrus Packers	.0692
Wall, E. T., Grower-Shipper	2.2073
Western Fruit Growers, Inc	2.7212

[F. R. Doc. 51-2694; Filed, Feb. 23, 1951; 11:57 a. m.]

[Tangerine Reg. 109]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.517 *Tangerine Regulation 109*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR, Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 26, 1951. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until February 26, 1951; the recommendation and supporting information for continued regulation subsequent to February 25 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 20; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 26, 1951, and ending at 12:01 a. m., e. s. t., March 12, 1951, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than a size that will pack a 210 pack of tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅓ inches; capacity 1,726 cubic inches) except that the minimum size of such tangerines shall be 2$^{5}/_{16}$ inches with a total tolerance for variations incident to proper sizing of 20 percent, by count, of tangerines that are smaller than 2$^{5}/_{16}$ inches in diameter of which not more than one-half, or a total of 10 percent by count of the tangerines, are smaller than 2$^{1}/_{16}$ inches in diameter.

(2) As used herein, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Bronze," "diameter," "210 pack," and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of February 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2668; Filed, Feb. 23, 1951; 10:55 a. m.]

[Grapefruit Reg. 138]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.516 *Grapefruit Regulation 138*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 26, 1951. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until February 26, 1951; the recommendation and supporting information for continued regulation subsequent to February 25 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 20; such meeting was held to

consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 26, 1951, and ending at 12:01 a. m., e. s. t., March 12, 1951, no handler shall ship:

(i) Any grapefruit of any variety, grown in Regulation Area I, which do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any grapefruit of any variety, grown in Regulation Area II, which grade U. S. No. 3 or lower than U. S. No. 3 Grade;

(vi) Any white seeded grapefruit, grown in Regulation Area II, which grade U. S. No. 2, U. S. No. 2 Bright, or U. S. No. 2 Russet, unless such grapefruit are of a size not smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seeded grapefruit, grown in Regulation Area II, which grade at least U. S. No. 1 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any pink seeded grapefruit, grown in Regulation Area II, which do not grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(ix) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 126 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used herein, "Regulation Area I," "Regulation Area II," "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Bright," "U. S. No. 2 Russet," and "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 21st day of February 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2667; Filed, Feb. 23, 1951; 10:55 a. m.]

[Orange Reg. 194]

PART 933—ORANGES, GRAPEFRUIT AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.515 *Orange Regulation 194*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than February 26, 1951. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until February 26, 1951; the recommendation and supporting information for continued regulation subsequent to February 25 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 20; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., February 26, 1951, and ending at 12:01 a. m., e. s. t., March 12, 1951, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (*a*) are in the same container with oranges which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all oranges in such container;

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size smaller than $2\frac{8}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 20 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Oranges (7 CFR 51.192): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2\frac{8}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{1}{16}$ inches in diameter and smaller; or

(v) Any Temple oranges, grown in Regulation Area I or Regulation Area II, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used herein, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "container" shall each have the same meaning as when used in the revised United

States Standards for Oranges (7 CFR 51.192).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 21st day of February 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 51-2669; Filed, Feb. 23, 1951; 10:54 a. m.]

[Lemon Reg. 371]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.478 *Lemon Regulation 371*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 20, 1951, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 25, 1951, and ending at 12:01 a. m., P. s. t., March 4, 1951, is hereby fixed as follows:

(i) District 1: 8 carloads;

(ii) District 2: 277 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 21st day of February 1951.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

[Storage Date: February 18, 1951. Regulation Period No. 371]

[12:01 a. m. Feb. 25, 1951, to 12:01 a. m. Mar. 11, 1951]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	30.952
Lemon Cove Association	19.467
Porterville Citrus Association, The	.000
Tulare County Lemon & Grapefruit Association	46.142
California Citrus Groves, Inc., Ltd	.000
Harding & Leggett	3.392
Kroells Packing Co	.000
LoBue Bros	.000
Sky Acres Ranch	.047
Zaninovich Bros., Inc	.000

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.699
American Fruit Growers, Inc., Fullerton	.719
American Fruit Growers, Inc., Upland	.396
Eadington Fruit Co	.607
Hazeltine Packing Co	2.414
Ventura Coastal Lemon Co	2.311
Ventura Pacific Co	1.437
Glendora Lemon Growers Association	1.895
La Verne Lemon Association	.764
La Habra Citrus Association	1.169
Yorba Linda Citrus Association	.460
Escondido Lemon Association	3.871
Alta Loma Heights Citrus Association	1.222
Etiwanda Citrus Fruit Association	.674
Mountain View Fruit Association	.670
Old Baldy Citrus Association	1.513
San Dimas Lemon Association	1.652
Upland Lemon Growers Association	6.912
Central Lemon Association	.827
Irvine Citrus Association	.636
Placentia Mutual Orange Association	.820
Corona Citrus Association	1.465
Corona Foothill Lemon Co	4.343
Jameson Co	1.911
Arlington Heights Citrus Co	2.151
College Heights Orange & Lemon Association	2.981
Chula Vista Citrus Association	.875
El Cajon Valley Citrus Association	.214
Escondido Co-operative Citrus Association	.233
Fallbrook Citrus Association	2.798
Lemon Grove Citrus Association	.410
Carpinteria Lemon Association	1.538
Carpinteria Mutual Citrus Association	1.839
Goleta Lemon Association	3.614
Johnston Fruit Co	4.846
North Whittier Heights Citrus Association	.681
San Fernando Heights Lemon Association	5.696
Sierra Madre-Lamanda Citrus Association	2.303
Briggs Lemon Association	.824
Culbertson Lemon Association	.858
Fillmore Lemon Association	1.454
Oxnard Citrus Association	4.094
Rancho Sespe	.913
Santa Clara Lemon Association	2.180
Santa Paula Citrus Fruit Association	2.021
Saticoy Lemon Association	1.605
Seaboard Lemon Association	2.694
Somis Lemon Association	2.359
Ventura Citrus Association	.450
Ventura County Citrus Association	.012
Limoneira Co	.975
Teague-McKevett Association	.625
East Whittier Citrus Association	.634
Leffingwell Rancho Lemon Association	.478
Murphy Ranch Co	.780
Chula Vista Mutual Lemon Association	.600
Index Mutual Association	.329
La Verne Cooperative Citrus Association	3.225
Orange Belt Fruit Distributors	.817
Ventura Co. Orange & Lemon Association	1.456
Whittier Mutual Orange & Lemon Association	.102
Ayoob, Fred	.011
Evans Bros. Packing Co	.018
Latimer, Harold	.180
Lorbeer, Carroll W. C	.005
Orange Hills Groves	.050
Paramount Citrus Association, Inc	.584
San Antonio Orchard Co	.011
Uyeji, Kikuo	.038
John C. Knapp Co	.052

[F. R. Doc. 51-2666; Filed, Feb. 23, 1951; 10:55 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52671]

PART 14—APPRAISEMENT

ANTIDUMPING; REVOCATION OF DUMPING FINDING ON WOOL KNITTED BERETS FROM FRANCE

It having been established that wool knitted berets from France are not being sold, and are not likely to be sold in the United States or elsewhere at less than their fair value within the meaning of section 201 (a), Antidumping Act, 1921 (19 U. S. C. 160 (a)), the finding of dumping published in Treasury Decision 50034 of December 12, 1939, with respect to such berets should be revoked. Accordingly, T. D. 50034 is hereby revoked.

Section 14.7, Customs Regulations of 1943, as amended (19 CFR 14.7), is hereby amended by deleting the "(a)" at the beginning of the first paragraph; by transferring the parenthetical matter at the end of paragraph (b) to the end of the present first paragraph; and by deleting the remainder of paragraph (b).

(R. S. 161, 251, sec. 624, 46 Stat. 759, as amended; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 201, 42 Stat. 11, as amended; 19 U. S. C. 160)

[SEAL] FRANK DOW,
Commissioner of Customs.

Aproved: February 16, 1951.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 51-2594; Filed, Feb. 23, 1951; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt. 352]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Amdt. 347]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

ILLINOIS, MICHIGAN, NORTH CAROLINA, OHIO, AND PENNSYLVANIA

Amendment 352 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and Amendment 347 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92). Said regulations are amended in the following respects:

1. Schedule A, Item 91, is amended to describe the counties in the Defense-Rental Area as follows:

Champaign County, except the City of Urbana; and Vermilion County.

This decontrols the City of Urbana in Champaign County, Illinois, a portion of the Champaign-Vermilion, Illinois, Defense-Rental Area.

2. Schedule A, Item 149, is amended to describe the counties in the Defense-Rental Area as follows:

Oakland County, except (i) the Townships of Addison, Brandon, Groveland, Highland, Holly, Independence, Milford, Oakland, Orion, Oxford, Rose, and Springfield, (ii) the Villages of Clarkston, Holly, Lake Orion, Leonard, Milford, Ortonville, Oxford, and that portion of Northville located in Oakland County, and (iii) the Cities of Birmingham, Bloomfield Hills, Pontiac and South Lyon; Wayne County, except (*a*) the Cities of Grosse Point and Plymouth, (*b*) the Village of Wayne, and (*c*) that portion of the Village of Northville located in Wayne County; and Macomb County, except the Townships of Armada, Bruce, Lenox, Macomb, Ray, Richmond, Shelby, Sterling and Washington.

In Washtenaw County, the Township of Ann Arbor and the City of Ann Arbor.

This decontrols the Village of Wayne, in Wayne County, Michigan, a portion of the Detroit, Michigan, Defense-Rental Area.

3. Schedule A, Item 150, is amended to describe the counties in the Defense-Rental Area as follows:

Muskegon County.

Kent County, except the City of East Grand Rapids.

This decontrols the City of East Grand Rapids in Kent County, Michigan, a portion of the Grand Rapids-Muskegon, Michigan, Defense-Rental Area.

4. Schedule A, Item 212a, is amended to describe the counties in the Defense-Rental Area as follows:

Alamance County, except the City of Burlington, the Town of Graham and all unincorporated localities.

This decontrols the unincorporated localities in Alamance County, North Carolina, a portion of the Burlington, North Carolina, Defense-Rental Area.

5. Schedule A, Item 226, is amended to describe the counties in the Defense-Rental Area as follows:

Stark County, except the City of Massillon and the Village of Louisville.

Tuscarawas County, except the Townships of Auburn, Bucks, Clay, Fairfield, Jefferson, Perry, Rush, Salem, Warren, Washington, Union and York

This decontrols the Village of Louisville in Stark County, Ohio, a portion of the Canton, Ohio, Defense-Rental Area.

6. Schedule A, Item 227, is amended to describe the counties in the Defense-Rental Area as follows:

Butler and Clermont Counties; and Hamilton County, except the Villages of Golf Manor, Harrison, Indian Hill, Mt. Healthy and Wyoming.

Kenton County; and in Campbell County, the Cities of Newport, Ft. Thomas, Dayton and Bellevue.

This decontrols the Village of Golf Manor in Hamilton County, Ohio, a portion of the Cincinnati, Ohio, Defense-Rental Area.

7. Schedule A, Item 262a, is amended to describe the counties in the Defense-Rental area as follows:

Indiana County, except the Borough of Indiana.

This decontrols the Borough of Indiana in Indiana County, Pennsylvania, a portion of the Indiana County, Pennsylvania, Defense-Rental Area.

8. Schedule A, Item 266, is amended to describe the counties in the Defense-Rental Area as follows:

Bucks County; Chester County; Delaware County, except the Borough of Swarthmore; Montgomery County, except the Borough of North Wales; and Philadelphia County.

This decontrols the Borough of North Wales in Montgomery County, Pennsylvania, a portion of the Philadelphia, Defense-Rental Area.

9. Schedule A, Item 267, is amended to describe the counties in the Defense-Rental Area as follows:

Allegheny County, except the Borough of Bethel and the Township of Mount Lebanon; Armstrong County; Beaver County; Lawrence County; Westmoreland County; in Butler County, the City of Butler and the Townships of Adams, Butler, Jackson and Slippery Rock; Fayette County, except the Townships of Henry Clay, Stewart and Wharton; in Greene County, the Townships of Cumberland, Dunkard, Franklin, Jefferson, Monongahela and Morgan; and Washington County, except the Townships of East Finley, Morris, South Franklin and West Finley.

This decontrols the Borough of Bethel in Allegheny County, Pennsylvania, a portion of the Pittsburgh, Pennsylvania, Defense-Rental Area.

All decontrols effected by this amendment are based on resolutions submitted in accordance with section 204 (j) (3) of the Housing and Rent Act of 1947, as amended.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup., 1894)

This amendment shall become effective February 21, 1951.

Issued this 20th day of February 1951.

ED DUPREE,
Acting Housing Expediter.

[F. R. Doc. 51-2587; Filed, Feb. 23, 1951; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[General Ceiling Price Regulation, Amdt. 2]

GCPR, AMDT. 2—GENERAL INCREASES BY MANUFACTURERS AND WHOLESALERS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Congress), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

Since the issuance of the General Ceiling Price Regulation, it has become plain that certain features of the regulation need to be modified in order to clarify its intent and to close certain gaps. In particular, some sellers are asserting that they have established ceiling prices under the regulation by virtue of isolated sales at prices which were substantially

higher than their own level of prices during the base period. In some cases there is reason to believe that sellers in anticipation of the issuance of a regulation freezing prices, deliberately embarked on a policy of periodically making sales in small quantities at abnormally high prices in order to record transactions which would serve them well following the issuance of a regulation fixing ceiling prices as of some earlier period. In order to remove the inequities among sellers resulting from the forehanded conduct of certain sellers and to reduce unwarrantedly high ceiling prices, the regulation has been amended as it affects manufacturers and wholesalers, to provide that while the ceiling price of a particular commodity is the highest price charged during the base period, account may not be taken of any sales to a particular class of purchaser if those sales amounted to less than 10 percent of all sales to that class of purchasers during the base period.

However, this new rule should not operate to prejudice sellers who in the base period genuinely announced or put into effect a general increase in prices. Accordingly the rule that sales of less than 10 percent to a particular class of purchaser cannot be taken into account is not applicable if all deliveries to a particular class of purchaser following the announcement or putting into effect of the price rise were made at the increased price, except to such purchasers as the seller was found to charge a lower price because of a firm commitment.

A distortion in the price structure of certain sellers has resulted because deliveries were made during the base period at higher prices to one or more classes of purchasers but not to all, thereby creating ceiling prices which do not reflect the seller's normal differentials between classes of purchasers. The present amendment corrects this distortion by allowing a seller to charge as his ceiling price any increase in his prices announced in writing to all classes of purchasers, if the increase was made effective by deliveries to purchasers in one or more classes which in the year 1950 accounted for at least 30 percent of the sales of the commodity to all of the classes for whom the increase was so announced. Of course deliveries which do not establish ceiling prices for a class (under the rules announced above) may not be included in the necessary 30 percent.

Another change which will restore normal pricing relationships involves manufacturers and wholesalers who, during the base period, announced in writing a price increase on a list of commodities, but did not make deliveries of all of the commodities at the higher price. The amendment provides that if the seller made deliveries of items on the price list which during the year 1950 accounted for at least 30 percent of the seller's total sales, of the commodities included in the list, the price becomes the ceiling price for all the items contained on the list.

It has come to the attention of the Director of Price Stabilization that some sellers are selecting the highest price at one business establishment and are using that price as the ceiling price for all their establishments. While the Regulation, as properly interpreted does not permit of this result, the matter is deemed to be of sufficient importance to announce it in the form of a clarifying amendment in addition to an interpretation under the General Ceiling Price Regulation.

The term "commodity" was defined in the General Ceiling Price Regulation as in the General Maximum Price Regulation of 1942 to include "contracts to buy, sell or deliver" the physical commodity. This clause is not necessary to accomplish the purpose of the Regulation since the definition of "sell" makes it clear that no one may contract, or even offer, to sell or deliver any commodity at a price in excess of its ceiling price. The particular legal mechanisms by which a person makes a sale, or delivery, or transfers title, or the right to possession of the physical commodity, or makes an offer to do any of these, whether by a formal contract, transfer of a warehouse receipt etc., is of no significance in this regard.

The ceiling for the commodity effectively governs all transactions involving sale, title, delivery, or right of possession of the commodity.

Recently, however, there has emerged on the scene an avowed claim by some sellers that the "contracts" clause of the definition of a commodity may be interpreted to mean that the regulation prescribes one ceiling for "contracts" which are "delivered" during the base period (presumably by exchange of blue-bound documents for their equivalents) and another ceiling for the physical commodity which is delivered after the effective date of the Regulation.

That "interpretation" is not tenable and is a complete distortion of the General Ceiling Price Regulation. The regulation makes it crystal clear that the ceiling price for the commodity governs all deliveries and sales as defined, regardless of the terms of any preexisting contract.

However, since the words in question are not necessary in the definition of a "commodity," they are reworded in the accompanying clarifying amendment to avoid even the shred of a claim by sellers or their counsel that they were in real doubt as to the meaning of the regulation.

The same considerations apply to services, and the definition of "service" has been amended accordingly.

AMENDATORY PROVISIONS

The General Ceiling Price Regulation is amended in the following respects:

1. Section 3 is amended to read as follows:

SEC. 3. *General ceiling prices*—(a) *Ceiling prices for all sellers for commodities or services sold in base period.* Your ceiling price for sale of a commodity or service is the highest price at which you delivered it during the base period to a purchaser of the same class. If you did not deliver the commodity or service during the base period, your ceiling price is the highest price at which you offered it for base period delivery to a purchaser of the same class. The offer must have been made in writing, but in the case of a retailer may have been made by display. If you are a manufacturer or a wholesaler, you cannot, unless permitted by paragraph (b) (1) of this section, use a price as your ceiling price to a class of purchaser unless you made at least 10 percent of your total deliveries during the base period to that class of purchaser at that price.

(b) *General increases by manufacturers and wholesalers.* If you are a manufacturer or wholesaler of a commodity, you may apply the following provisions in determining your ceiling prices.

(1) *General increases to all of a class of purchasers.* If, during the base period, you announced in writing and put into effect a price increase for a class of purchaser by making all deliveries to that class for the remainder of the base period at the higher price (except deliveries pursuant to firm commitments made before the price increase), the increased price becomes your ceiling price for that class of purchaser, even though less than 10 percent of your base period deliveries to that class were made at the higher price.

(2) *General increases to several classes of purchasers.* If, during the base period, you announced in writing a general increase for sales to more than one class of purchasers and if you made deliveries which, under the preceding paragraphs of this section, established the increased price or prices as the ceilings to all purchasers of one or more classes and if those classes accounted during the year 1950 for at least 30 percent of your dollar sales of the commodity, then the announced increased prices are your ceiling prices for all classes of purchasers for whom increases were announced.

(3) *General increases on several items.* If during the base period you announced in writing a price increase on a list of commodities, and if you made deliveries which, under the preceding paragraphs of this section, established the increased price or prices as the ceilings to all classes of purchasers of one or more of the commodities covered by the price list, and if those commodities accounted during the year 1950 for at least 30 percent of your dollar sales of the commodities covered by the price list, then the price list prices are your ceiling prices for all the items on the list.

2. Section 22 is amended by striking out of the definition of the word "Seller" the words "at retail"; by striking out of the definition of the word "Commodity" the words "and contracts to buy, sell or deliver any of the foregoging"; and by striking out of the definition of the word "Service" the words "and contracts to sell or supply such service."

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

This amendment shall become effective the 28th day of February 1951.

MICHAEL V. DI SALLE,
Director of Price Stabilization.

[F. R. Doc. 51-2690; Filed, Feb. 23, 1951; 11:38 a. m.]

[General Ceiling Price Regulation, Amdt. 3]

GCPR, AMDT. 3—BASE PERIOD RECORDS

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization General Order No. 2 (16 F. R. 738), this Amendment 3 to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

STATEMENT OF CONSIDERATIONS

The accompanying amendment to the General Ceiling Price Regulation postpones, for sellers of commodities at retail, from March 1, 1951 to March 22, 1951, the date on or before which certain statements must be prepared under section 16 (a) (2) and (3) of the Regulation. This in no way removes the requirement contained in subparagraph (a) (1) of section 16 that all sellers at the retail, wholesale, and manufacturing level preserve all records showing prices charged in the base period and records of net cost. The subparagraphs affected by the amendment are subparagraph (2) which, in so far as it affects sellers of commodities at retail, requires preparation of a statement showing the categories in which deliveries or offers for delivery were made during the base period and subparagraph (3) which entails an additional requirement by which sellers must prepare and preserve a ceiling price list showing the commodities in each category delivered or offered for delivery during the base period. Postponement of the preparation of the category and price statements at the retail level is deemed advisable since the issuance of a regulation is contemplated which, it is hoped, may render unnecessary the preparation, by sellers of commodities at retail of certain of the statements which otherwise would be prepared under the General Ceiling Price Regulation and will stubstitute therefor, as to a large number of commodities, statements more expertly tailored to the need of the retailer.

AMENDATORY PROVISIONS

General Ceiling Price Regulation is amended as follows:

Subparagraphs (2) and (3) of section 16 are amended by inserting, in both subparagraphs, after the phrase "March 1, 1951," the phrase "as to all your deliveries and offers for delivery of commodities other than at retail, and on or before March 22, 1951, as to all your deliveries and offers for delivery of commodities at retail,".

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

Effective date. This amendment is effective immediately.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

FEBRUARY 23, 1951.

[F. R. Doc. 51-2695; Filed, Feb. 23, 1951; 12:05 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 6]

GCPR, SR 6—EXEMPTION OF THE PANAMA CANAL ZONE

Under the authority vested in the Director of Price Stabilization by the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738) this Supplementary Regulation 6 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This Supplementary Regulation is issued for the purpose of removing the Panama Canal Zone from the operation of all price regulations issued or to be issued by the Office of Price Stabilization. Heretofore, any price regulation applicable to the Territories and Possessions has been applicable to the Canal Zone.

In the Canal Zone there are no privately owned business establishments and the United States Government, principally through its own stores, maintains a practical monopoly on the supply of all goods to residents of the Canal Zone and the armed forces in that area. Practically all consumers in the Canal Zone are government personnel or employed on government projects. The prices established for commodities purchased by such employees are purposely low. Sufficient price control may be indirectly achieved by control of prices at the source of supply in the United States.

In addition, the application of the present price ceilings on the Canal Zone would result in extremely heavy continued losses to the Government agencies engaged in supplying the residents and the armed forces in the Canal Zone. These losses would arise because of the several factors peculiar to the situation in the Canal Zone including the nature of the Government monopoly and resulting obligation to continue to supply the needs of the residents and armed forces regardless of economic considerations. Another contributing factor is the lag of from 30 to 90 days in the reflection locally of price changes in the United States because of necessary buying methods involving price averaging and the maintenance of large reserves to meet obligations in this area remote from the source of supply in the United States.

Sales made by a person in the continental United States to a purchaser in the Panama Canal Zone continue to be governed by the General Ceiling Price Regulation and any subsequent price regulation issued by the Office of Price Stabilization.

This Supplementary Regulation 6 removes the Canal Zone from coverage by Price regulations.

REGULATORY PROVISIONS

Sec.
1. Removal of the Panama Canal Zone from the operation of all price regulations.
2. Definitions.
3. Sales from a seller in the continental United States to a purchaser in the Panama Canal Zone.

AUTHORITY: Sections 1 to 3 issued under Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Removal of the Panama Canal Zone from the operation of all price regulations.* Sales and deliveries of commodities in the Panama Canal Zone shall not be subject to any price regulations issued, or which may be issued, by the Office of Price Stabilization, unless specific provision making a price regulation applicable to the Canal Zone shall hereafter be included in such regulation.

SEC. 2. *Definitions.* (a) "Panama Canal Zone" includes the Panama Canal and the Canal Zone.

(b) "Price regulation", as used in this Supplementary Regulation 6, means a ceiling price regulation issued by the Office of Price Stabilization, or any amendment or supplement thereto or order issued thereunder.

(c) "Sale and deliveries of commodities in the Panama Canal Zone" do not include sales from a seller outside the Panama Canal Zone to a purchaser in the Panama Canal Zone.

SEC. 3. *Sales from a seller in the continental United States to a purchaser in the Panama Canal Zone.* Sales from a seller in the continental United States to a purchaser in the Panama Canal Zone shall be governed by the maximum prices established for commodities and services under the General Ceiling Price Regulation and all subsequent price regulations.

Effective date. This Supplementary Regulation 6 to the General Ceiling Price Regulation shall become effective February 23, 1951.

Issued this 22d day of February 1951.

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-2691; Filed, Feb. 23, 1951; 11:38 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Regulation 7]

GR 7—ADJUSTMENTS FOR EMPLOYEES OF RELIGIOUS, CHARITABLE AND EDUCATIONAL ORGANIZATIONS

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), General Wage Stabilization Regulation 1 (16 F. R. 816) and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Regulation No. 7 is hereby issued.

STATEMENT OF CONSIDERATIONS

This general regulation is issued by the Wage Stabilization Board in discharge of its responsibilities under the provisions of the Defense Production Act of 1950, Executive Order 10161, General Order No. 3 and General Wage Stabilization Regulation 1 of the Economic Sta-

bilization Administrator. It is designed to stabilize wages, salaries and other compensation and to effectuate the purposes and intent of said statute, orders, and regulation. Due consideration has been given to the standards established by section 402 of the act.

For the purpose of preparing itself for the discharge of its responsibilities, the Wage Stabilization Board heretofore distributed to representative labor and industry groups a series of questions, the answers to which would provide the Board with essential information for the development of wage stabilization policies. Thereafter, the Board conducted conferences which were attended by representatives of labor and industry, who presented their views respecting the development of wage stabilization policies. In the formulation of the provisions hereof there has thus been consultation with industry and labor representatives, including trade association and labor union representatives, and consideration has been given to their recommendations.

REGULATORY PROVISIONS

Sec.
1. Wage adjustments by religious, charitable and educational organizations permissible without prior approval.
2. Authorization does not apply to employees of unrelated business enterprises of tax exempt organizations.
3. Compliance with national wage stabilization policies.
4. This regulation subject to modification or revocation without prior notice.

AUTHORITY: Sections 1 to 4 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 1. *Wage adjustments by religious, charitable and educational organizations permissible without prior approval.* Religious, charitable, scientific, literary, educational organizations, and cemetery companies which are exempt from Federal income taxes under section 101 (5) and (6) of the Internal Revenue Code may adjust the wages, salaries or other compensation of their employees without prior approval of the Wage Stabilization Board, except as provided in sections 2 and 3.

SEC. 2. *Authorization does not apply to employees of unrelated business enterprises of tax exempt organizations.* The general authorization contained in section 1 shall not apply to the wages, salaries or other compensation of employees of a business enterprise owned or operated by an organization defined in section 1, if the income of the business enterprise is not exempt from Federal income taxes.

SEC. 3. *Compliance with national wage stabilization policies.* In adjusting wages, salaries and other compensation authorized by section 1, the specified employers are expected to conform to the national wage stabilization policies, as expressed in the Defense Production Act of 1950, Executive Order 10161, General Wage Stabilization Regulation 1, issued by the Economic Stabilization Administrator on January 26, 1951, the general regulations and statements of policy issued by the Wage Stabilization Board pursuant thereto, and such orders or regulations as may from time to time be issued in connection therewith.

SEC. 4. *This regulation subject to modification or revocation without prior notice.* The Wage Stabilization Board reserves the right (a) to review all wage or salary adjustments made in pursuance of section 1, (b) to revoke this authorization with respect to any organization defined in section 1, and (c) to modify or revoke this regulation at any time without prior notice.

Adopted unanimously by the Wage Stabilization Board.

Issued: February 15, 1951.

CYRUS S. CHING,
Chairman.

[F. R. Doc. 51-2664; Filed, Feb. 21, 1951; 5:06 p. m.]

Chapter VI—National Production Authority, Department of Commerce

[NPA Order M-7, Amdt. 1]

M-7—USE OF ALUMINUM

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950. In the formulation of this order, there has been consultation with industry representatives and consideration has been given to their recommendations.

This amendment affects NPA Order M-7, as amended February 1, 1951, as follows:

1. Section 6 is amended to add new paragraphs (c) and (d) and to redesignate present (c), (d), and (e) as (e), (f), and (g), respectively.

(c) Commencing on July 1, 1951, no person shall use aluminum in the manufacture or assembly of any item in attached List B: *Provided, however,* That any such item may be completed if it was in process of manufacture or assembly on or before April 30, 1951, and such completion is effected not later than June 30, 1951: *And provided further,* That windows of the non-residential type may be completed on or before June 30, 1951, regardless of when manufacture or assembly is commenced if orders therefor were received by the manufacturer prior to February 20, 1951.

(d) During each of the months of March, April, May, and June, 1951, no person may use in the manufacture or assembly of ducts and windows of residential type included in the attached List B a total quantity by weight of aluminum in excess of 65 percent of his average monthly use of aluminum in the manufacture or assembly of such items during the base period.

2. Amend present (c) and redesignate as paragraph (e):

(e) No person may use in construction any aluminum for any item included in attached List A after May 31, 1951, or for any item contained in attached List B after June 30, 1951: *Provided, however,* That this prohibition will not apply to such use of aluminum for any such item if it was manufactured within the time limits specified in this section.

List B

3. The use of the forms and products of aluminum defined in section 3 in the items listed below (excluding repair parts) is subject to the prohibitions in this order, except as otherwise stated in this order:

Ducts.
Windows, residential type.
Windows, non-residential type.

(Sec. 704, Pub. Law 774, 81st Cong. Interprets or applies sec. 101, Pub. Law 774, 81st Cong; sec. 101, E. O. 10161, Sept. 9, 1950, 15 F. R. 6105, sec. 2, E. O. 10200, Jan. 3, 1951, 16 F. R. 61)

This amendment shall take effect on February 21, 1951.

NATIONAL PRODUCTION AUTHORITY,
[SEAL] MANLY FLEISCHMANN,
Administrator.

[F. R. Doc. 51-2658; Filed, Feb. 21, 1951; 4:25 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular No. 1787]

PART 72—PUBLIC USES

TRANSFER OF JURISDICTION OVER PUBLIC LANDS TO OFFICE OF TERRITORIES FOR USE UNDER THE ALASKA PUBLIC WORKS ACT

The title of Part 72 is amended to read as set forth above and the following new text is added to that part:

§ 72.15 *Effect of application for transfer.* An application for the transfer of jurisdiction over public land in Alaska made by the Office of Territories under section 7 of the Alaska Public Works Act (63 Stat. 629; 48 U. S. C. 486e) based on a project which has been approved under section 4 of the act (63 Stat. 627; 48 U. S. C. 486b) and filed with the manager of the land office in Alaska having jurisdiction over the land will have the effect of segregating the land from all forms of appropriation under the public-land laws, including the mining and the mineral leasing laws, subject to valid existing rights, pending the issuance by the Regional Administrator of an order of transfer or the rejection of the application.

(Sec. 1, 54 Stat. 1192; 48 U. S. C. 363. Interprets or applies R. S. 2478, sec. 7, 63 Stat. 629; 43 U. S. C. 1201, 48 U. S. C. Sup., 486e)

OSCAR L. CHAPMAN,
Secretary of the Interior.

FEBRUARY 16, 1951.

[F. R. Doc. 51-2577; Filed, Feb. 23, 1951; 8:45 a.m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART I—PRACTICE AND PROCEDURE

APPLICATIONS REQUIRING SPECIAL AERONAUTICAL CONSIDERATION

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 14th day of February 1951;

The Commission having under consideration § 1.377 of its rules and regulations which provides for the referral of applications for radio facilities which involve the erection of proposed antennas or changes in the height or location of existing antennas to the Civil Aeronautics Administration for that agency's recommendation, as to whether the antenna in question constitutes a menace to air navigation;

It appearing, that this section of the rules is no longer appropriate in view of the provisions included in Part 17 of the Commission's rules and regulations; and

It further appearing, that new internal procedures must be established to accomplish the purposes of Part 17 of the Commission's rules; and

It further appearing, that the amendments to the Commission's rules contemplated by this order are limited to internal procedural matters; and that the requirements of section 4 of the Administrative Procedure Act, with respect to prior notice and publication, need not be complied with; and

It further appearing, that authority for the proposed amendments is contained in sections 303 (q) and 303 (r) of the Communications Act of 1934;

It is ordered, That § 1.377 of the Commission's rules and regulations be amended effective immediately as set forth in detail below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: February 15, 1951.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

The existing § 1.377 of the Commission's rules and regulations is deleted and the following new § 1.377 substituted therefor:

§ 1.377 *Procedures for handling applications requiring special aeronautical consideration.* (a) All antenna surveys are conducted by the Antenna Survey Branch of the Office of the Chief Engineer.

(b) Each operating bureau or office which is responsible for processing applications for radio facilities examine those applications for which it is responsible to ascertain whether or not special antenna consideration is required. If such consideration is required the operating bureau or office routes the appropriate antenna data to the antenna survey branch of the Office of the Chief Engineer.

(c) The Antenna Survey Branch then ascertains whether a special aeronautical study is required.

(d) If no special aeronautical study is required the application is returned to the appropriate operating division with the required antenna lighting and painting specifications for such further action as might be necessary.

(e) If a special aeronautical study is required the antenna specifications are forwarded to the appropriate regional airspace subcommittee for consideration and the operating bureau concerned advised of this action.

(f) Upon receipt of a report of the airspace subcommittee the Antenna Survey Branch forwards this information to the appropriate operating bureau where appropriate action may be taken.

[F. R. Doc. 51-2595; Filed, Feb. 23, 1951; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 993]

[Docket No. AO 201-A 1]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of a public hearing to be held in Room 300, Public Health Building, 101 Grove Street, Corner Grove and Polk Streets, San Francisco, California, beginning at 9:30 a. m., P. s. t., March 8, 1951, and in Room 449, U. S. Post Office Building, Corner Mission and Seventh Streets, San Francisco, California, beginning at 9:30 a. m., P. s. t., March 9, 1951, with respect to proposed amendments to the marketing agreement and order (7 CFR, Part 993) regulating the handling of dried prunes produced in California. These proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments which are hereinafter set forth, or appropriate modifications hereof.

The following amendments have been proposed by the Prune Administrative Committee, the administrative agency for the conducting of operations under the aforementioned marketing agreement and order (hereinafter referred to as "the order"):

1. Amend the provisions of § 993.1 (d) of the order to read as follows:

(d) "Prunes" means and includes all sun-dried or artificially dehydrated plums, of any type or variety, produced from plums grown in the State of California, except: (1) Sulfur-bleached prunes which are produced from yellow varieties of plums and are commonly known as silver prunes; (2) plums which have not been dried or dehydrated to a point where they are capable of being stored unrefrigerated or without other artificial means of preservation, prior to packaging, without deterioration or spoilage, and so long as they are treated by a process which is in conformity with, or generally similar to, the processes for treatment of plums of that type which have been developed or recommended by the Food Technology Division, College of Agriculture, University of California for the specialty pack known as "high moisture content prunes", but this exception shall not apply if and when such plums are dried to the point that they are capable of being stored unrefrigerated or without other artificial means of preservation, without deterioration or spoilage; and (3) prunes as used in § 993.5 (d).

2. Delete the provisions of § 993.2 (b) of the order.

3. Renumber § 993.2 (c) of the order as § 993.2 (b), and amend the first sentence of subparagraph (1) of § 993.2 (b), as now proposed to be renumbered, to read as follows:

(1) *General.* The term of office of members, and their respective alternates, shall be two years, ending on May 31 of even numbered years, and any later date which may be necessary for the selection and qualification of their respective successors.

4. Amend subdivision (ii) of subparagraph (2) of § 993.2 (b) of the order, as now proposed to be renumbered, to read as follows:

(ii) *Cooperative producers.* Prior to March 1 of each election year, the committee shall report to the Secretary the total tonnage of prunes handled by all handlers as the first handlers thereof and the total tonnage of prunes handled by cooperative marketing associations as the first handlers thereof during the crop year preceding such election year. Prior to March 15 of each election year,

the Secretary shall determine and announce the number of producer member nominees and producer alternate member nominees which shall be nominated by cooperative marketing associations handling prunes on behalf of their members. Such number of nominees shall bear, as far as practicable, the same percentage compared to the total of 14 producer members and their alternates as the prune tonnage handled by cooperative marketing associations as the first handlers thereof bears to the total tonnage handled by all handlers as the first handlers thereof during the crop year preceding such election year. Prior to March 31 of each election year the cooperative marketing associations handling prunes shall nominate to the Secretary on behalf of their members such number of producer nominees and their respective alternates.

5. Renumber §§ 993.2 (d), (e), (f), (g), (h), (i), (j), (k), and (l) of the order, to read, respectively, §§ 993.2 (c), (d), (e), (f), (g), (h), (i), (j), and (k).

6. Amend § 993.2 (k) (6) of the order, as now proposed to be renumbered, so as to delete the proviso at the end thereof, and so, as thus amended, it will read as follows:

(6) To submit to the Secretary not later than June 20 of each year, a budget of its anticipated expenditures and the recommended rate of assessment for the ensuing crop year, and the supporting data therefor.

7. Amend the provisions of the first sentence of § 993.3 (a) of the order to read as follows:

(a) *Basis.* Prior to the beginning of each crop year, the committee shall prepare and submit to the Secretary a report setting forth its marketing policy for the regulation of the handling of prunes in such crop year, pursuant to §§ 993.4 and 993.5.

8. Amend the provisions of § 993.3 (b) of the order so as to delete the proviso at the end thereof, and so, as thus amended, it will read as follows:

(b) *Policy meeting.* The committee shall hold a meeting for the purpose of formulating and adopting the marketing policy for any crop year not later than June 15 preceding the beginning of such crop year.

9. Amend the provisions of § 993.3 (c) of the order so as to delete the proviso at the end thereof, and so, as thus amended, it will read as follows:

(c) *Time of submission.* The marketing policy report for any crop year shall be submitted to the Secretary not later than June 20 preceding the beginning of such crop year.

10. Amend the provisions of § 993.4 (a) (1) of the order so as to read as follows:

(1) *General.* In order to effectuate the declared policy of the act, no handler shall receive prunes from producers or dehydrators, except in accordance with the terms and conditions with respect to grades and sizes set forth in this paragraph: *Provided,* That no handler shall receive any prunes (either as standard prunes or as substandard prunes) from producers or dehydrators unless such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. Any high moisture prunes, as described in the exception numbered (2) in paragraph (d) of § 993.1, in the possession of a handler, which are dried or dehydrated to a point where they are capable of being stored unrefrigerated or without other artificial means of preservation, prior to packaging, without deterioration or spoilage, shall be deemed, at that time, to have been received by such handler as prunes and to be subject to all of the conditions and restrictions hereof.

11. Amend the provisions of § 993.4 (a) (5) of the order to read as follows:

(5) *Substandard natural condition prunes*—(i) *Producer's or dehydrator's options.* Any natural condition prunes tendered to a handler by a producer or dehydrator which fail to meet the applicable minimum standards as to grades and sizes, may, (*a*) at the producer's or dehydrator's option, be returned to such producer or dehydrator for sorting, or, (*b*) by agreement between such producer and handler or dehydrator and handler, may be received pursuant to the provisions of subdivision (ii) of this subparagraph, or, (*c*) be turned over to the handler unsorted to be held by him, as substandard natural condition prunes, for the account of the committee. Any such substandard prunes, except as otherwise specifically provided, shall be treated the same as and be subject to the same provisions respecting surplus prunes, as contained in § 993.5, and, except those referred to in subdivision (ii) of this subparagraph, shall be held by a handler separate and apart from any standard prunes held by him.

(ii) *Equivalent quantity basis.* In the event a producer or dehydrator should elect to arrange with a handler for the receiving of substandard prunes tendered by him to such handler for sorting or disposing of such prunes unsorted in conformity with the provisions hereof, the inspection agency designated to make inspections of prunes shall issue, at the handler's expense, a certificate of appraisal on such prunes so tendered, which shall show the percentage thereof comprising offgrade prunes necessary to be removed therefrom for the remainder to be standard prunes. A quantity of prunes equivalent to the weight of such offgrade prunes represented by the application of such percentage to the total tonnage so appraised and certified shall be treated as substandard prunes in the manner provided for in subdivision (i) of this subparagraph: *Provided,* That any prunes so treated as substandard prunes shall be of such comparable size as may be established by the committee through issuance of rules and regulations. No certificate of inspection on such substandard natural condition prunes so tendered shall be required after a certificate of appraisal has been issued applicable to such prunes.

12. Amend the provisions of § 993.4 (b) (5) (ii) of the order to read as follows:

(ii) *Defective prunes accumulated from standard prunes and prunes received by a handler for his own account which fail to meet the quality standards for disposition.* Any defective prunes which may be accumulated by a handler by removing them from his standard prunes and any prunes received by a handler for his own account which fail to meet the quality standards for the disposition of prunes, may be disposed of, or marketed for disposition, as animal feed, pitted prunes, or as other prune products in which they lose their form and character as prunes by conversion prior to consumption: *Provided,* That any such prunes which are disposed of, or marketed for disposition, for human consumption shall meet those minimum standards prescribed in Exhibit A (which is attached to and made a part hereof) as relate to the defects of mold, imbedded dirt, insect infestation, and decay. The committee shall issue any such rules and regulations as may be necessary to insure such uses. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes under this subdivision, cause an inspection to be made of such prunes by the inspection agency. Such handler shall obtain from the inspection agency a certificate that such prunes meet the applicable conditions contained herein, and submit it, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Otherwise, such prunes may be shipped or disposed of for the purposes specified in this subdivision without regard to the restrictions contained in subparagraphs (2), (3), and (4) of this paragraph.

13. Amend the provisions of § 993.4 of the order to add, at the end thereof, a new paragraph, lettered (c), and which will read as follows:

(c) *Regulation of the handling of prunes during any crop year when the estimated season average price is in excess of parity*—(1) *Determination.* If the Secretary should conclude that the season average price for prunes for any crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such finding is set forth, and, in such order, he shall provide that, for such crop year, the handling of prunes shall be in accordance with the provisions set forth hereinafter in this paragraph.

(2) *Receiving of prunes by handlers.* In lieu of the provisions set forth in paragraph (a) of this section, a handler may receive any tender of prunes from a producer or dehydrator: *Provided,* That such prunes have been properly dried and cured in original natural condition, without the addition of water, and free from active insect infestation, so that they are capable of being received, stored, and packed without deterioration or spoilage. However, for the assistance of the committee in its supervision of operations under this paragraph, each handler shall, at his own

expense, cause an inspection to be made by the inspection agency for the purpose of ascertaining the net weight of the delivery and the percentage of defective prunes in such delivery which is in excess of the maximum tolerances specified in paragraph C of subdivision I of Exhibit A (which is attached to and made a part hereof). In the case of each such inspection, the handler shall obtain from the inspection agency a certificate showing the percentage of such excess by defects or groups of defects, as the committee may require, and he shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee.

(3) *Disposition of prunes by handlers.* In lieu of the requirements set forth in paragraph (b) of this section, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards set forth in the aforesaid Exhibit A for standard prunes or standard processed prunes, as the case may be. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in the aforesaid Exhibit A for standard prunes or standard processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than those referred to in the two preceding sentences. Such disposition without restriction shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the inspection agency to determine whether they meet the applicable grade standards, as set forth hereinabove in this subparagraph, and he shall obtain from the inspection agency a certificate that such prunes meet the aforementioned applicable minimum standards and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Notwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each inter-handler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or otherwise making final disposition of such prunes, comply with the requirements of this subparagraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for each particular purpose meet the applicable minimum grade standards prescribed in this subparagraph.

(4) *Inspection agency.* The inspection agency referred to in this paragraph shall be the same as the inspection agency which is provided for in paragraphs (a) and (b) of this section.

(5) *Assessments.* In lieu of the payment of assessments pursuant to the computation method prescribed in § 993.7 (b) (1), each handler shall pay to the committee, upon demand, with respect to all prunes received by him as the first handler thereof, his pro rata share of such expenses which the Secretary finds will be incurred pursuant to the provisions of § 993.7 (a) by the committee during such crop year. Also, in such an event, each handler's pro rata share of such expenses shall be equal to the ratio between the total tonnage received by him as the first handler thereof during such crop year and the total tonnage received by all handlers as the first handlers thereof during the same crop year. The Secretary shall fix the rate of assessment to be paid by such handlers on the basis of a specified rate per ton. At any time during or after a crop year the Secretary may increase the rate of assessment to apply to all prunes received by handlers as the first handlers thereof during such crop year to obtain sufficient funds to cover any finding by the Secretary relative to the expenses of the committee. Each handler shall pay such additional assessment to the committee upon demand. The Secretary shall reduce the assessment rate applicable to all such tonnage during the particular crop year if he finds that when thus reduced it will provide funds sufficient to enable the committee properly to perform its functions hereunder. In all other respects, the provisions of § 993.7 shall remain in full force and effect. Further, the provisions of §§ 993.1, 993.2, 993.3, 993.6 and 993.8, and all subsequent sections shall remain in full force and effect in such a situation, except to any extent that any such provisions may clearly be inappropriate or inapplicable.

14. Amend the provisions of § 993.5 (e) of the order to read as follows:

(e) *Disposition of surplus tonnage—* (1) *Purposes for which disposition may be made—*(i) *Sales to United States Government and foreign governments.* The committee is authorized to sell direct, or to sell to handlers for resale, surplus tonnage to the United States Government or to any agency thereof (including, but not limited to, sales for domestic or foreign relief purposes, school lunch and institutional feeding, or for foreign economic assistance), or to any foreign government. Such sales may be at negotiated prices with adequate consideration to probable processing costs.

(ii) *Sales for export.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of foreign markets in countries which were considered in estimating the salable percentage, to a greater extent than was anticipated at the time of such estimate, the committee may offer to sell, and sell, surplus standard prunes to handlers for sale into, and for use in, such foreign channels in such quantities as are necessary to meet the increased demand. The quantity of prunes included in any offer to sell to individual handlers shall be in the proportion that the respective handler's sales in foreign channels bears to sales in such channels by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.6, plus accrued charges for receiving and storing of surplus tonnage.

In addition, the committee may offer to sell, and sell, to any handler, a quantity of surplus prunes for export to any foreign country, which country was not included in the estimates upon which the salable percentage was based, in the event of proof of demand for such quantity for such country. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell under either of the foregoing situations, surplus standard prunes pursuant to this subdivision, complete information with respect thereto, including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(iii) *Sales for aminal feed and certain manufacturing uses.* The committee may sell any surplus prunes for animal feed, botanicals, distillation, or for any manufacturing uses which were not provided for in connection with the estimating of the salable quantity of standard prunes for the then current crop year. Such sales may be made at negotiated prices. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they are sold.

(iv) *Sales to handlers.* If the committee finds that total contracted sales by all handlers during the crop year exceeds 80 percent of the total salable tonnage received by all handlers plus 80 percent of the estimated tonnage held unsold by producers and dehydrators which would become salable tonnage; or, if the committee finds that more than 20 percent of the uncontracted salable tonnage is being held so tightly by relatively few handlers, dehydrators, or producers as seriously to restrict commerce in prunes and if 75 percent of all handlers have made a written request therefor and such requesting handlers have purchased over 65 percent of the salable tonnage purchased from producers and dehydrators, the committee may,

in either event, sell to handlers standard prunes from the surplus tonnage for use as salable tonnage, subject to the following conditions:

(a) No such sale shall be made prior to December 15;

(b) No single sales offer of surplus tonnage to handlers shall exceed 20 percent of the original estimated salable tonnage;

(c) If any such sale is made for manufacturing purposes in which the prunes will lose their form and character as prunes by conversion prior to consumption, it may be made by the committee at a negotiated price; otherwise, such sales shall not be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.6, plus accrued charges for receiving and storing of surplus tonnage;

(d) In any offer by the committee to sell surplus tonnage to handlers pursuant to this subdivision, each handler shall be given the first opportunity to purchase his share of the offer, which share shall be determined as the same proportion that the respective surplus tonnage held by him is of the surplus tonnage held by all handlers. In the event that any handler declines or fails to purchase any or all of his share of any such offer, the remaining portion thereof shall be re-offered by the committee to all handlers who purchased all of their respective shares of such offer, in proportion to their respective shares. Any balance remaining unsold after such re-offer shall be withdrawn from the particular offer. Any offer outstanding as of July 5 of any crop year shall be withdrawn and the committee shall not make any further offer to sell surplus tonnage to handlers after that date, except that if the committee determines, with the approval of the Secretary, that a major change in conditions has occurred, such as the involvement of the United States in war or a crop failure in the following year, or any other significant development, which indicates a shortage of supply, the said July 5 limitation shall no longer apply; and

(e) The committee shall file with the Secretary, by telegram or air mail letter, seven calendar days prior to making any offer to sell surplus prunes pursuant to this subdivision, complete information with respect thereto, including the basis therefor. The Secretary shall have the right to disapprove, within such seven-day period, the making of such an offer or any term or condition thereof.

(v) *Sales of standard prunes for manufacturing purposes.* In the event it appears that the total salable tonnage is not sufficient to meet the estimated domestic and foreign requirements due to the expansion of manufacturing outlets, which outlets were provided for in estimating the salable percentage, to a greater extent than was anticipated at the time of estimating the salable percentage, the committee may offer to sell, and sell, surplus standard prunes to handlers for resale or use for such manufacturing purposes in which such prunes will lose their form and character as prunes by conversion prior to consumption, in such quantities as are necessary to meet the increased demand. The quantity of prunes offered to individual handlers to meet such deficiency shall be in the proportion that the respective handler's sales or uses for manufacturing bears to sales or uses for manufacturing by all handlers. No such sale shall be made by the committee at a price below that which reflects the average price received by producers for salable tonnage during the then current crop year to a date as near as practicable to the date of the offer, as shown by the reports required to be filed under the provisions of § 993.6, plus accrued charges for receiving and storing of surplus tonnage.

In addition, the committee may offer to sell, and sell to any handler, a quantity of surplus standard prunes for any manufacturing use, which manufacturing use was not included in the estimate upon which the salable percentage was based, in the event of proof of demand for such quantity for such purpose. Such sale may be made at a negotiated price. The committee shall require proof that any standard prunes so sold were used for the purpose for which they were sold.

The committee shall file with the Secretary, by telegram or air mail letter seven calendar days prior to making any offer to sell under either of the foregoing situations, surplus standard prunes to handlers pursuant to this subdivision, complete information with respect thereto including the basis for such proposal. The Secretary shall have the right to disapprove, within such seven-day period, the making of such offer or any term or condition thereof.

(vi) *Sales of substandard prunes for animal feed and for manufacturing purposes.* The committee may sell direct, or sell to handlers for resale, substandard prunes for animal food, and for any manufacturing purpose in which such prunes will lose their form and character as prunes by conversion prior to consumption: *Provided*, That any such prunes which are sold for disposition for manufacturing purposes for human consumption, either directly to handlers, or for resale by handlers, shall, at the time of such disposition or use, meet those minimum standards prescribed in Exhibit A (which is attached to and made a part hereof) as relate to the defects of mold, imbedded dirt, insect infestation, and decay; and any such prunes so sold by the committee to a person who is not a handler shall meet those quality standards at the time of disposition by the committee: *And provided, further*, That no such sales shall be made while standard prunes are available in the surplus tonnage. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that such prunes are disposed of for the respective uses for which they were sold. Such sales may be made at negotiated prices.

(vii) *Donations of surplus prunes.* The committee may donate limited quantities of surplus prunes for use in research or promotional activities.

(viii) *Unsold surplus tonnage.* The committee shall endeavor to sell all prunes in the surplus tonnage at a rate so as to achieve, as nearly as may be practicable, the complete disposition of the surplus tonnage not later than July 31 of the crop year. Any surplus tonnage remaining unsold as of July 31 shall be disposed of as soon as practicable for animal feed, distillation, or in any other outlets which are not competitive with the sale of prunes in normal marketing channels, not otherwise provided for in this paragraph, unless determination with respect to a shortage of supply has been made as provided for in subdivision (iv) (d) of this subparagraph. The committee may dispose of unsold surplus prunes after July 31 at negotiated prices.

(2) *Proceeds of sales of surplus tonnage*—(i) *Charges against proceeds.* Expenses incurred by the committee for the receiving, handling, holding, or disposing of any quantity of surplus tonnage shall be charged against the proceeds of sales of surplus tonnage.

(ii) *Distribution of net proceeds.* Net proceeds from the disposition of surplus tonnage shall be distributed by the committee either directly, or through handlers as agents of the committee, under safeguards to be established by the committee, to persons in proportion to their contributions thereto, or to assignees of such interests, with appropriate grade and size differentials as established by the committee. Progress payments may be made by the committee in the same manner, as sufficient funds accumulate. Distribution of the proceeds in connection with the surplus tonnage contributed by a nonprofit cooperative agricultural marketing association which has authority to market the prunes of its members and to allocate the proceeds therefrom to such members shall be made to such association, if it so requests. Prior to making any such distribution, the committee shall submit to the Secretary a report including all pertinent details with respect thereto.

(3) *Prohibition against the hypothecation of surplus.* In no event shall the committee hypothecate surplus tonnage.

15. Amend the provisions of § 993.7 (a) of the order to read as follows:

(a) *Expenses.* The committee is authorized to incur such expenses (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) as the Secretary finds are reasonable and likely to be incurred by it during each crop year for the maintenance and functioning of the committee and for such other purposes as the Secretary may, pursuant to the provisions hereof, determine to be appropriate. The recommendation of the committee as to these expenses and the recommended rate of assessment for each such crop year, together with all data supporting such recommendations, shall be filed with the Secretary not later than June 20 preceding the crop year in connection with which such recommendations are made.

16. Amend the provisions of the first sentence of § 993.7 (b) (1) of the order to read as follows:

(1) *Requirement for payment and rate of assessment.* The funds to cover the expenses of the committee (exclusive of expenses for the receiving, handling, holding, or disposing of any quantity of surplus tonnage) shall be acquired by levying assessments.

The following amendment has been proposed by four handlers of dried prunes, namely, Richmond-Chase Company and Mayfair Packing Company of San Jose, California, and California Packing Corporation and Rosenberg Brothers & Company, Inc., of San Francisco, California:

17. Amend the provisions of § 993.2 (b) (3) of the order, as now proposed to be renumbered, by changing the period at the end thereof to a colon and adding the following: *"Provided,* That the Secretary shall determine and announce the number of nominees for member and alternate member which shall be nominated for large, medium, and small handlers who are not cooperative marketing associations (hereinafter called "independent handlers") on the basis of the following: Large handlers are those who, during the preceding crop year, individually handled 17 or more percent of the total tonnage handled by independent handlers; approximately 40 percent of such nominees shall be large handlers. Medium handlers are those who, during the preceding crop year, individually handled 8 or more percent but less than 17 percent of the total tonnage handled by independent handlers; approximately 20 percent of the nominees for member and alternate member respectively, to which independent handlers are entitled, shall be medium handlers. Small handlers are those who, during the preceding crop year, individually handled less than 8 percent of the total tonnage handled by independent handlers; approximately 40 percent of such nominees shall be small handlers."

The following amendment has been submitted by certain independent producers of dried prunes:

18. Amend the provisions of § 993.2 (b) (2) (i) of the order, as now proposed to be renumbered, by changing the period at the end thereof to a colon and adding the following: *"Provided,* That the respective areas covered by the aforementioned seven districts may be changed by the Secretary at any time he concludes that such areas, as delineated above, no longer represent approximately equal segments from the standpoints of numbers of producers of prunes or productions of prune tonnages with a view to reestablishing such equalization on the basis of the existing situations."

The following amendments are proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture:

19. Renumber the sections, paragraphs, subparagraphs, and subdivisions throughout the marketing order in accordance with the revised Federal Register regulations, and make similar conforming changes in the numbering of the provisions of the marketing agreement.

20. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

21. Amend the provisions of § 993.1 of the order by adding the following paragraph, lettered (t), at the end thereof:

(t) *Part and subpart.* "Part" means the order regulating the handling of dried prunes produced in California, and all rules, regulations, and supplementary orders issued thereunder. This order regulating the handling of dried prunes produced in California shall be a "subpart" of such part.

Copies of this notice of hearing may be obtained from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected, or from the Western Marketing Field Office, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, 335 Fell Street, San Francisco 2, California.

Issued at Washington, D. C., this 20th day of February 1951.

[SEAL] ROY W. LENNARTSON,
Deputy Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 51-2628; Filed, Feb. 23, 1951; 8:56 a. m.]

FEDERAL SECURITY AGENCY

Food and Drug Administration

[21 CFR, Part 52]

CANNED VEGETABLES OTHER THAN THOSE SPECIFICALLY REGULATED; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSED RULE MAKING

In the matter of amending the definition and standard of identity for canned mushrooms and adopting a standard of fill of container for canned mushrooms:

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055; 21 U. S. C. 341, 371) and upon the basis of substantial evidence received at the public hearings held pursuant to the notices published in the FEDERAL REGISTER on July 5, 1949 (14 F. R. 3922) and March 10, 1950 (15 F. R. 1310), and upon consideration of proposed findings of fact filed by interested parties, which are adopted in part and rejected in part as is apparent from the detailed findings made below, the following order be made:

Findings of fact.[1] 1. In 1937 there was established a standard of fill of container for canned mushrooms under authority conferred on the Secretary of Agriculture by the McNary-Mapes Amendment to the Federal Food and Drugs Act of 1906 (46 Stat. 1019; 21 U. S. C. 9, 10).[2] This standard was in force until the act of 1906 was superseded by the Federal Food, Drug, and Cosmetic Act of 1938. In 1939, a definition and standard of identity for canned mushrooms (21 CFR Part 52) was established. This standard provides that canned mushrooms are the caps and stems of mushrooms in the optional forms of buttons, whole, slices, or pieces and stems of mushrooms with water, sealed in a container and so processed by heat as to prevent spoilage. Optional ingredients permitted were salt, citric acid, a vinegar, spice, sugar, and corn sugar. The only optional ingredients known to have been used in canned mushrooms are salt for seasoning, and citric acid for obtaining a lighter color of the canned mushrooms. During World War II, when tin containers were in short supply, some mushroom canners packed mushrooms in glass containers. This experience revealed that mushrooms packed in glass appeared to become darker during storage. Ready sales, however, obviated prolonged storage during this period. Mushrooms packed in tin containers do not darken during storage but on the contrary, for a limited period, become lighter in color than when first packed. As the supply of tin increased, packers of mushrooms in glass returned to the use of tin containers. A canner of mushrooms interested in packing mushrooms in glass containers in 1948 and 1949 made experimental packs containing ascorbic acid and citric acid for retarding the color changes during storage. This canner applied for a hearing on a proposal to amend the standard of identity for canned mushrooms to include ascorbic acid as an optional ingredient. A hearing was held on this proposal (14 F. R. 3922) but before a tentative order was published application was made by the Cultivated Mushroom Institute of America to hold a second hearing to take additional evidence on the proposal to include ascorbic acid as an optional ingredient and to take evidence on a proposal to restrict the optional ingredients to water and salt. In granting this application (15 F. R. 1310), the Administrator on his own initiative also proposed to take evidence on a proposal to establish a standard of fill of container for canned mushrooms. A second hearing was held pursuant to this application. These findings are based on the evidence presented at both hearings. (R. 10, 18, 19, 21, 23, 28, 46-47, 54-56, 152-153, 158-159, 200-201, 237-239, 247, 248, 400, 507, 509, 513, 522, 566, 725, 733, 838-840, 841; Ex. 2, 6, 18)

2. Experimental packs of canned mushrooms prepared on a semicommercial scale show that such mushrooms packed in glass or tin containers with small quantities of citric acid and ascorbic acid are lighter in color than the same quality of mushrooms with only salt and water. This is true at any time after packing. When used together, citric acid and ascorbic acid have a

[1] The citations following each finding of fact refer to the pages of the transcript of the testimony and the exhibits received in evidence at the hearing.

[2] This standard will hereafter be referred to as the McNary-Mapes standard.

greater lightening effect on color of canned mushrooms than either acid used alone. The effect on the color is increased as the quantity of acids added is increased, and this effect is more pronounced in tin containers than in glass. (R. 43–57, 290, 325–326, 330, 349, 734–735, 758; Ex. 8, 10, 11, 16)

3. To obtain high-quality canned mushrooms, the raw mushrooms used should be picked at optimum maturity for canning and canned promptly after picking. Sometimes, because of the receipt of a large supply of raw mushrooms by the cannery, or for other reasons, it may be necessary to hold the raw stock for a day or several days before canning. Such a holding period results in this raw stock becoming stale. All mushrooms undergo changes in color during the canning process. Stale mushrooms after canning are darker in color than they would be if canned when freshly picked. The addition of small amounts of citric acid in the canning process lessens the darkening that results from canning. Such addition of small amounts of citric acid to stale mushrooms makes it possible to obtain a canned product of about the same color as when fresh mushrooms are canned without an added acid. The mechanism of the chemical action of dilute citric acid which results in a lighter color of the canned mushrooms is not definitely shown by the record, but it appears that its effect in lightening the color of mushrooms is caused by an intensified reaction between the contents of the container and tin. Citric acid is the only acid known to be commercially used for this purpose. There was evidence that other acid-reacting substances have been used but their identity was unknown to the canners who testified at the hearings. There also was evidence that the addition of any substance which lowers the pH will lighten the color of canned mushrooms. (R. 141–142, 193–194, 195, 224–225, 227, 230, 252–253, 330, 350, 522, 527–528, 530, 556–558, 568, 646, 648–649, 651, 653, 670–671, 692–693, 784; Ex. 8)

4. In determining the grade for canned mushrooms according to the standards promulgated by the Production and Marketing Administration of the United States Department of Agriculture, more importance is attached to the factor of color than to any of the other factors considered, such as uniformity of size and symmetry, absence of defects, and tenderness. The use of citric acid enables a canner to pack stale mushrooms which are graded higher on the factor of color than such stale mushrooms canned without the addition of citric acid. The use of citric acid in canned mushrooms has not promoted honesty and fair dealing in the interest of consumers. (R. 159–160, 224, 248, 356, 367–368, 559–560, 646–647, 651; Ex. 15)

5. The lightening of color of mushrooms, canned in tin containers with only water and salt, during storage appears to be due to a reaction of the packing medium with the tin of the container, although the mechanism causing the lightening is not known. When the acidity of the packing medium is increased by the use of any acid-reacting substance, this reaction is intensified. The reaction which affects the color of the mushrooms does not reach an equilibrium for some time, and the mushrooms in tin containers continue to become lighter in color during the first few months in which they are held in storage. (R. 355, 357–358, 693, 738)

6. The mechanism of the action of ascorbic acid on the color of canned mushrooms, when it is added in small amounts in the canning process, is not established. During processing there is an apparent reduction in the amount of ascorbic acid, which indicates a reaction of the ascorbic acid with oxygen inside the container. There is some increase in acidity when ascorbic acid is used, but its effect on the pH of canned mushrooms is less pronounced than that of like quantities of citric acid. (R. 74, 76, 82, 86, 350–354, 784, 805, 876; Ex. 8, 14, 16, 22)

7. The characteristic light tan color of canned mushrooms in tin containers prepared from mushrooms picked at optimum maturity and promptly canned furnishes purchasers a basis for judging the quality of canned mushrooms both in tin and glass containers. Since the color of mushrooms canned in glass containers is not as light as that of those in tin containers, the mushrooms in glass containers are at a disadvantage. By limiting the quantity of the ascorbic acid used so that its effect on the color of the mushrooms is to restrict darkening from oxidation, it is possible to obtain this desirable effect without likelihood of abuse. In the few experiments reported where the pH of the liquid drained from the canned mushrooms was determined, ascorbic acid alone in amounts not exceeding 150 milligrams per 4 ounces drained weight of mushrooms lowered the pH an average of approximately 0.25 when compared with the pH of similar mushrooms canned with water and salt only. It is unlikely that there will be abuse from the use of ascorbic acid alone, in amounts not greater than 150 milligrams per 4 ounces of drained mushrooms. (R. 21, 57, 78, 156–157, 190–191, 553–557, 581, 648, 727, 737, 799–800, 876; Ex. 8, 9, 14, 16, 22)

8. The pH of mushrooms canned with water and salt as reported in this record varies from 5.9 to 6.7. The addition of an acid lowers the pH of canned mushrooms, depending on the acid used and the amount added. If the liquid drained from canned mushrooms has a pH of less than 5.9 it indicates that some ingredient other than water and salt has been added. Citric and ascorbic acid can be detected in canned mushrooms by well-known methods of analysis, but other acid-reacting substances might be added in small amounts and escape detection by objective examination of the canned mushrooms. A requirement that the pH of canned mushrooms be not less than 6.0 was proposed. Such a requirement would be very helpful in enforcing the prohibition of unauthorized ingredients, but the data on the pH of canned mushrooms are insufficient for prescribing such a limit. (R. 57, 181–183, 291–292, 293, 294, 295, 296, 300, 333–334, 376, 530, 670–671, 755, 876, 877; Ex. 8, 9, 14, 16, 22)

9. The McNary-Mapes amendment to the Food and Drugs Act of 1906 authorized the adoption of standards of quality, condition, and fill of container for most canned foods. The standard of fill of container for canned mushrooms promulgated by the Secretary of Agriculture in 1937 provided for minimum drained weights for mushrooms packed in ten specified containers, and for minimum drained weights based on a ratio of 1 ounce of drained mushrooms for each 3 cubic inches inside capacity for containers other than those specified. That standard became inoperative when the Food and Drugs Act of 1906 was superseded by the Federal Food, Drug, and Cosmetic Act of 1938 and since that time there has been no standard of fill of container for canned mushrooms. (R. 839–842; Ex. 18)

10. It is the general practice of canners to blanch the fresh mushrooms in hot water or steam before packing into containers. This blanching results in some shrinkage of the fresh mushrooms that would otherwise occur during processing and might result in a slack fill. Even though the McNary-Mapes standard has not been in force for several years, canners of mushrooms have continued the practice of blanching and filling to meet the levels prescribed under that standard. Compliance with the standard for fill of container for canned mushrooms has generally resulted in the containers being well filled with mushrooms. (R. 150–152, 220, 506–507, 552–553, 561, 587–588, 645, 650–651, 678, 829–831, 840–846, 851; Ex. 18, 19)

11. Canned mushrooms are now packed in substantial quantities in containers of sizes for which specific drained weights were not specified in the McNary-Mapes standard. Some of the containers formerly extensively used are now of minor importance. In standards of fill of container, canners generally prefer specific requirements as to the drained weights for containers extensively used rather than general requirements fixing drained weights calculated from the capacity of the can. The containers now extensively used and the drained weights of mushrooms found necessary to fill them properly are as follows:

Trade designation	Over-all dimensions sealed can		Weight of drained mushrooms
	Diameter	Height	
	Inches	*Inches*	*Ounces (avoirdupois)*
202 x 204	2 1/16	2 1/4	2
211 x 212	2 13/16	2 3/4	4
300 x 400	3	4	8
307 x 510	3 7/16	5 5/16	16
603 x 700	6 3/16	7	68

(R. 552–553, 587–588, 650–651, 678, 839, 841–847, 851–852; Ex. 18–21)

12. Since containers of sizes other than those named in finding 11 may sometimes be used, it is necessary to provide also for drained weights based

on capacity of containers for which no specific requirements are made. A suitable and practicable method for determining the capacity of containers is the general method for determining water capacity of containers in 21 CFR 10.1. The following requirements for drained weights based on the water capacity of the container will insure that such containers are properly filled. For containers with a water capacity (at 68° F.) of less than 11 ounces avoirdupois, the drained weight of mushrooms is not less than 56 percent of the water capacity of the container. For containers with a water capacity of 11 ounces or more but less than 25 ounces, the weight of the drained mushrooms is not less than 59 percent of the water capacity of the container. For containers with a water capacity of 25 ounces or more, the weight of the drained mushrooms is not less than 62 percent of the water capacity of the container. (R. 841–842, 846–848, 851, 853–863; Ex. 6, 21)

13. A suitable and practicable method for determining the drained weight of canned mushrooms which is essentially the same as that prescribed in the McNary-Mapes standard is as follows: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of the contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in table 1 of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage. Two minutes after drainage begins, weigh the sieve and drained mushrooms. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained mushrooms. (R. 848–849, 863–864; Ex. 6, 18, 20, 21)

14. A label statement which adequately informs consumers when canned mushrooms fail to meet the prescribed standard of fill of container is the general statement of substandard fill specified in 21 CFR 10.2 (b). (R. 850–851; Ex. 6, 21)

Conclusions. Upon consideration of the whole record and the foregoing findings of fact, it is concluded that it will promote honesty and fair dealing in the interest of consumers:

1. To amend the definition and standard of identity for canned mushrooms presently contained in § 52.990 to delete citric acid, vinegar, spice, sugar, and corn sugar as optional ingredients and make ascorbic acid in amounts not exceeding 37.5 milligrams per one ounce of drained weight of mushrooms an optional ingredient;

2. To adopt the standard of fill of container for canned mushrooms hereinafter set forth in proposed § 52.10.

It is therefore proposed that Part 52 be amended by renumbering § 52.990 as § 52.1, and by amending renumbered § 52.1 (c) to read as follows:

§ 52.1 *Canned vegetables; identity; label statement of optional ingredients.*

* * *

(c) To the vegetable ingredient water is added; except that piminentos may be canned with or without added water, and sweet potatoes in mashed form are canned without added water, and asparagus may be canned with added water, asparagus juice, or a mixture or both. For the purposes of this section, asparagus juice is the clear, unfermented liquid expressed from the washed and heated sprouts or parts of sprouts of the asparagus plant; mixtures of asparagus juice and water are considered to be water when such mixtures are used as a packing medium for canned asparagus. In the case of artichokes, citric acid or a vinegar is added in such quantity as to reduce the pH of the finished canned vegetable to 4.5 or below. The following optional ingredients, in the case of the vegetables specified, may be added:

(1) Citric acid or a vinegar, in the cases of all vegetables (except artichokes, in which such ingredient is prescribed, and except canned mushrooms, in which no such ingredient is permitted), in a quantity not more than sufficient to permit effective processing by heat without discoloration or other impairment of the article.

(2) An edible vegetable oil, in the cases of artichokes and pimientos.

(3) (i) Starch, in the cases of white sweet corn (cream style or crushed form) and yellow sweet corn (cream style or crushed form), in a quantity not more than sufficient to insure smoothness.

(ii) In the case of potatoes, purified calcium chloride, calcium sulfate, calcium citrate, monocalcium phosphate, or any mixture of two or more such calcium salts, in a quantity reasonably necessary to firm the potatoes, but in no case in a quantity such that the calcium contained in any such calcium salt or mixture is more than 0.051 percent of the weight of the finished food.

(4) Snaps, in the cases of shelled beans, black-eye peas, and field peas.

(5) Salt may be added to any of the canned vegetables in this section in a quantity sufficient to season the food.

(6) In the cases of all vegetables (except canned mushrooms) one or more of the following optional seasoning ingredients may be added in a quantity sufficient to season the food:

(i) A vinegar.

(ii) Spice.

(iii) Refined sugar (sucrose).

(iv) Refined corn sugar (dextrose).

(7) In the case of canned mushrooms, ascorbic acid (vitamin C) may be added in a quantity not to exceed 37.5 milligrams for each ounce of drained weight of mushrooms.

The food is sealed in a container, and so processed by heat as to prevent spoilage.

b. It is further proposed that Part 52 be amended by adding the following new section:

§ 52.10 *Canned mushrooms; fill of container; label statement of substandard fill.* The standard of fill of container for canned mushrooms is a fill such that:

(a) The weight of drained mushrooms in a container the dimensions of which are specified in the following table is not less than the weight of drained mushrooms prescribed in such table for such container:

Trade designation	Over-all dimensions sealed can		Weight of drained mushrooms
	Diameter	Height	
	Inches	*Inches*	*Ounces (avoirdupois)*
202 x 204	2 1/16	2 1/4	2
211 x 212	2 13/16	2 3/4	4
300 x 400	3	4	8
307 x 510	3 7/16	5 5/8	16
603 x 700	6 3/16	7	68

(b) The drained weight of mushrooms in containers of a size not specified in paragraph (a) of this section is not less than 56 percent of the water capacity of the container, if such water capacity is less than 11.0 ounces avoirdupois; not less than 59 percent of the water capacity of the container, if such water capacity is 11.0 ounces or more but less than 25 ounces avoirdupois; and not less than 62 percent of the water capacity of the container, if such water capacity is 25 ounces avoirdupois or more.

(c) Water capacity of containers is determined by the general method provided in § 10.1 of this chapter.

(d) Drained weight is determined by the following method: Tilt the opened container so as to distribute the contents evenly over the meshes of a circular sieve which has been previously weighed. The diameter of the sieve is 8 inches if the quantity of contents of the container is less than 3 pounds, and 12 inches if such quantity is 3 pounds or more. The bottom of the sieve is woven-wire cloth which complies with the specifications for such cloth set forth under "2380 Micron (No. 8)" in table 1 of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Without shifting the material on the sieve, so incline the sieve as to facilitate drainage Two minutes after drainage begins, weigh the sieve and drained mushrooms. The weight so found, less the weight of the sieve, shall be considered to be the weight of drained mushrooms.

(e) If canned mushrooms fall below the applicable standard of fill of container prescribed in paragraph (a) or (b) of this section, the label shall bear the general statement of substandard fill specified in § 10.2 (b) of this chapter, in the manner and form therein specified.

Any interested person whose appearance was filed at the hearing may, within

30 days from the date of publication of this tentative order in the FEDERAL REGISTER, file with the Hearing Clerk, Federal Security Agency, Room 5109, Federal Security Building, Fourth Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in this tentative order and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which such exceptions are based. Such exceptions may be accompanied by a memorandum or brief in support thereof. Exceptions and accompanying memoranda or briefs shall be submitted in quintuplicate.

Dated: February, 16, 1951.

[SEAL] JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-2576; Filed, Feb. 23, 1951; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FEDERAL RANGE CODE FOR GRAZING DISTRICTS

NOTICE OF RANGE IMPROVEMENT FEE IN OREGON GRAZING DISTRICT NO. 1 (LAKE)

FEBRUARY 19, 1951.

Pursuant to the authority delegated to me by Order No. 2583 of August 16, 1950, of the Secretary of the Interior and in accordance with the provisions of § 161.8 (b), and note, of the Federal Range Code for Grazing Districts (43 CFR Part 161), and upon the recommendation of the District Advisory Board, notice is hereby given that for a period of three years effective May 1, 1951, the range improvement fee per animal unit month to be charged in Oregon Grazing District No. 1 (Lake) with the exception of the Ft. Rock-L. U. Project Area, will be three cents per head for cattle and horses, three-fifths cent per head for sheep and goats. This rate shall apply to all licenses and fee notices issued between May 1, 1951, and April 30, 1954, inclusive.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-2574; Filed, Feb. 23, 1951; 8:45 a. m.]

[1646295]

UTAH

NOTICE OF FILING OF PLAT OF SURVEY

FEBRUARY 19, 1951.

Notice is given that the plat of original survey of the following described lands, accepted March 8, 1944, will be officially filed in the Land & Survey Office, Salt Lake City, Utah, effective at 10:00 a. m., on the 35th day after the date of this notice:

SALT LAKE MERIDIAN

T. 15 S., R. 13 W.,
Secs. 1 to 36, inclusive.
T. 14 S., R. 14 W.,
Secs. 1 to 36, inclusive.

The areas described aggregate 46,117.71 acres.

No applications for the lands described may be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law unless the land has already been classified as valuable or suitable for such application or shall be so classified upon consideration of an application.

According to the field notes and as shown by the plat, there is a spring in the NW¼SW¼ sec. 33, T. 15 S., R., 13 W., S. L. M.

The legal subdivision containing springs and the lands within a quarter of a mile of such springs may be affected by the general withdrawal made by Executive order of April 17, 1926 (43 CFR 292.1), creating Public Water Reserve No. 107, but the question of whether the spring is of such size or value or so needed by the public as to bring the lands within the scope of the withdrawal is left for future determination.

At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m., on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m., on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m., on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m., on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office, Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, Salt Lake City, Utah.

WILLIAM ZIMMERMAN, Jr.,
Assistant Director.

[F. R. Doc. 51-2575; Filed, Feb. 23, 1951; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[No. M-22]

DEPARTMENT OF THE NAVY; MILITARY SEA TRANSPORTATION SERVICE

NOTICE OF HEARING ON APPLICATION FOR BAREBOAT CHARTER OF DRY-CARGO VESSELS

Pursuant to section 3, Public Law 591, 81st Congress, notice is hereby given that an informal public hearing will be held in Room 4821, Commerce Building,

Washington, D. C., on March 2, 1951, at 11:00 a. m., before the Federal Maritime Board, upon application of the Department of the Navy to make available necessary Government-owned, war-built, dry-cargo vessels to private operators under bareboat charter for time charter use of the Military Sea Transportation Service to meet its immediate and projected world-wide requirements without restriction or the necessity of approval for use in a particular trade.

The purpose of the hearing is to receive evidence with respect to whether such service is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American-flag vessels on reasonable conditions and at reasonable rates for use in such service.

All persons having an interest in this application will be given an opportunity to be heard if present.

Dated: February 16, 1951.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
Secretary.

[F. R. Doc. 51-2600; Filed, Feb. 23, 1951; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. SR-2090, SR-2091]

J. R. RICHARDSON AND J. W. KIEWEL

NOTICE OF REASSIGNMENT OF ORAL ARGUMENT

In the matters of Donald W. Nyrop, Administrator of Civil Reronautics, complainant, vs. J. R. Richardson, respondent, Docket No. SR-2090; Donald W. Nyrop, Administrator of Civil Aeronautics, complainant, vs. J. W. Kiewel, respondent, Docket No. SR-2091.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 1004 (a) of said act, that oral argument in each of the above-entitled proceedings is hereby reassigned to be heard March 15, 1951, at 10:00 a. m. in Room 5042 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 19, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2626; Filed, Feb. 23, 1951; 8:55 a. m.]

[Docket No. 4579]

SAMOAN AIRLINES

NOTICE OF HEARING

In the matter of the application of Lawrence M. Coleman, dba Samoan Airlines, under section 401 of the Civil Aeronautics Act of 1938, as amended, for a certificate of public convenience and necessity authorizing the scheduled air transportation of persons, property and mail between Pago Pago, American Samoa and Apia, British Samoa.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 801 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on February 27, 1951, at 10:00 a. m., e. s. t., in Room 5040 Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application particular attention will be directed to the following matters and questions:

1. Does the public convenience and necessity require the route applied for?

2. Is the applicant a citizen of the United States and is he fit, willing and able to perform the services for which he is applying?

Notice is further given that any person desiring to be heard in this proceeding must file with the Board on or before February 27, 1951, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 15, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2627; Filed, Feb. 23, 1951; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9889]

AMERICAN TELEPHONE AND TELEGRAPH COMPANY AND THE ASSOCIATED COMPANIES OF THE BELL SYSTEM

ORDER POSTPONING HEARING ON RATES AND CHARGES FOR INTERSTATE AND FOREIGN COMMUNICATION SERVICES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1951;

The Commission, having under consideration its order of January 19, 1951 instituting the proceedings herein;

It appearing, that the hearings herein scheduled to begin on April 16, 1951 should be postponed for a limited time within which the Commission may consider jointly with the National Association of Railroad and Utilities Commissioners questions regarding the procedures pursuant to which telephone property, expenses and revenues of the respondents herein are separated between interstate and foreign communication services, on the one hand, and intrastate communication services, on the other hand; and within which the Commission may observe trends in revenues and expenses;

It is ordered, That the dates for answer and hearings specified in the above order of January 19, 1951, are hereby postponed until July 16, 1951 and August 20, 1951, respectively.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2596; Filed, Feb. 23, 1951; 8:50 a. m.]

[Docket No. 9906]

MADISON BROADCASTING CO., INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Madison Broadcasting Company, Inc., Richmond, Kentucky, Docket No. 9906, File No. BP-7779; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1951;

The Commission having under consideration the above-entitled application for a permit to construct a new standard broadcast station to be operated on the frequency 1400 kilocycles, with a power of 250 watts, unlimited time at Richmond, Kentucky;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m. on April 16, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of the proposed station would involve objectionable interference with Station WIEL, Elizabethtown, Kentucky, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

It is further ordered, That Elizabethtown Broadcasting Company, licensee of Station WIEL, Elizabethtown, Kentucky, is made a party to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2597; Filed, Feb. 23, 1951; 8:50 a. m.]

[Docket No. 9907]

S. H. PATTERSON (KJAY)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of S. H. Patterson, (KJAY), Topeka, Kansas, Docket No. 9907, File No. BP-7770, for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of February 1951:

The Commission having under consideration the above-entitled application for a construction permit to increase nighttime power from 1 kilowatt to 5 kilowatts and make changes in the maximum expected operating values of Station KJAY, Topeka, Kansas;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KJAY as proposed, but that the application may involve interference with one or more existing stations and otherwise not comply with the Standards of Good Engineering Practice;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing commencing at 10:00 a. m., on April 17, 1951, at Washington, D. C., upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KJAY as proposed, and the character of other broadcast service available to such areas and populations.

2. To determine whether the operation of Station KJAY as proposed, would involve objectionable interference with Stations KPRO, Riverside, California and KEIO, Pocatello, Idaho, or with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

3. To determine whether the operation of Station KJAY as proposed, would involve objectionable interference with Station XEFI, Chihuahua, Chihuahua, Mexico, or with any other existing foreign broadcast station and, if so, the nature and extent of such interference.

4. To determine whether the installation and operation of Station KJAY as proposed, would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, with particular reference to the ratio of the population within the normally protected and actual nighttime interference-free contours to the population which would receive satisfactory service.

It is further ordered, That Eastern Idaho Broadcasting and Television Company, licensee of Station KEIO, Pocatello, Idaho; and Broadcasting Corporation of America, licensee of Station KPRO, Riverside, California are made parties to this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2598; Filed, Feb. 23, 1951; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

HOUSING AND HOME FINANCE ADMINISTRATOR

DELEGATION OF AUTHORITY WITH RESPECT TO PROCUREMENT IN CONNECTION WITH SCHOOL FACILITIES

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress, and having determined that such action is advantageous to the Government in terms of economy and efficiency, I hereby delegate to the Housing and Home Finance Administrator, for use by the Community Facilities Service, the authority to make purchases and contracts for supplies and services pursuant to Title III of the aforesaid act in connection with school facilities to be provided under section 204 of Public Law 815, 81st Congress, *Provided however*, That such purchases and contracts may be negotiated only if it is determined by the said Administrator that the facts are such as to bring the purchase or contract within the provisions of subsection 302 (c) (1), (2) or (4) of the said Public Law 152.

2. This delegation shall be effective as of the date hereof.

Dated: February 17, 1951.

JESS LARSON,
Administrator.

[F. R. Doc. 51-2599; Filed, Feb. 23, 1951; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25854]

PIG IRON FROM SOUTH ATLANTIC PORTS TO ALABAMA

APPLICATION FOR RELIEF

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1166.

Commodities involved: Import pig iron, carloads.

From: South Atlantic ports.

To: Attalla and Gadsden, Ala.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1166, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2579; Filed, Feb. 23, 1951; 8:46 a. m.]

[4th Sec. Application 25855]

POTATOES FROM MAINE TO PERTH AMBOY AND FREEHOLD, N. J.

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for carriers parties to Agent I. N. Doe's tariff I. C. C. No. 570.

Commodities involved: Potatoes, carloads.

From: Points in Maine.

To: Perth Amboy and Freehold, N. J.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: I. N. Doe's tariff I. C. C. No. 570, Supp. 30.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2580; Filed, Feb. 23, 1951; 8:46 a. m.]

[4th Sec. Application 25856]

CAST IRON PIPE FROM TEXAS POINTS TO ILLINOIS POINTS

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3873.

Commodities involved: Cast iron pipe, fittings and related articles, carloads.

From: Tyler, Swan, and Ft. Worth, Tex.

To: Points in western trunk-line, Illinois, and official territories.

Grounds for relief: To apply over short tariff routes rates constructed on the basis of the short line distance formula and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3873, Supp. 9.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2581; Filed, Feb. 23, 1951; 8:47 a. m.]

[4th Sec. Application 25857]

ALCOHOL FROM SOUTHWEST TO TWIN CITIES

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Denatured alcohol and articles taking the same rates, carloads.

From: Points in Arkansas, Louisiana, Oklahoma and Texas.

To: Minneapolis, Minnesota Transfer and St. Paul, Minn.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supp. 168.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2582; Filed, Feb. 23, 1951; 8:47 a. m.]

[4th Sec. Application 25858]

PLASTERBOARD FROM SWEETWATER, TEX., TO LOUISIANA AND ARKANSAS

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for Gulf, Colorado and Santa Fe Railway Company and other carriers named in the application.

Commodities involved: Plasterboard, carloads.

From: Sweetwater, Tex.

To: Stations in Arkansas and Louisiana on the Louisiana and North West Railroad.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates; D. Q. Marsh's tariff I. C. C. No. 3706, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2583; Filed, Feb. 23, 1951; 8:47 a. m].

[4th Sec. Application 25859]

GRAVEL FROM LOUISIANA, MO., TO ILLINOIS

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for the Gulf, Mobile and Ohio Railroad Company.

Commodities involved: Gravel, road-surfacing, carloads.

From: Louisiana, Mo.

To: Jacksonville, Whitehall and Woodson, Ill.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: GM&O RR. tariff I. C. C. No. 251, Supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2584; Filed, Feb. 23, 1951; 8:47 a. m.]

[4th Sec. Application 25860]

ACETONE AND RELATED ARTICLES FROM BROWNSVILLE, TEX., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, carriers parties to his tariff I. C. C. No. 3721.

Commodities involved: Acetone, noibn, methanol, proprietary anti-freeze, and related articles, carloads.

From: Brownsville, Tex.

To: Points in Indiana, Michigan, New York, Ohio, Pennsylvania and West Virginia.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3721, Supp. No. 167.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may

proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2585; Filed, Feb. 23, 1951; 8:47 a. m.]

[4th Sec. Application 25861]

SULPHUR FROM LOUISIANA AND TEXAS TO HAMILTON, OHIO

APPLICATION FOR RELIEF

FEBRUARY 20, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Sulphur (brimstone), crude, carloads.

From: Points in Texas, and Port Sulphur, La.

To: Hamilton, Ohio.

Grounds for relief: Competition with motor-water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2586; Filed, Feb. 23, 1951; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2529]

REPUBLIC SERVICE CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Notice is hereby given that Republic Service Corporation ("Republic"), a registered holding company, has filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, an amendment to a declaration heretofore permitted to become effective by the Commission (Holding Company Act Release No. 10292). Declarant has designated section 12 as being applicable to the proposed transaction.

Notice is further given that any interested person may, not later than February 23, 1951, request the Commission in writing that a hearing be held on this matter stating the nature of his interest, the reason for such request and the issues, if any, of fact or law, raised by the amended declaration which he proposes to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after February 23, 1951, said amended declaration as filed or as further amended may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said amended declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed which is summarized as follows:

On December 18, 1950, the Commission approved the sale by Republic of the common stock of Abington Electric Company to Scranton Electric Company ("Scranton"), for a consideration of 60,000 shares of $5 par value common stock of Scranton plus cash, and the distribution by Republic to its stockholders, as a partial liquidating dividend, of 56,259 out of the 60,000 shares of Scranton stock to be received (Holding Company Act Release No. 10292). The Commission's approval of the distribution of the Scranton stock was subject to the condition, among others, that if the proposed distribution were not effected in the year 1950, distribution could not thereafter be effected until Republic should have submitted for the record a statement setting forth the method of distribution and the accounting entries in connection therewith, and until a further order should have been entered by the Commission. The filing states that Republic was unable to effect the proposed distribution in the year 1950.

Republic now proposes to distribute to its stockholders, as a partial liquidating dividend, 56,259 shares of the Scranton stock on the basis of 8/10 share of Scranton for each share of Republic. The amount of Republic's investment in said shares will be charged to capital surplus, to the extent thereof, and to earned surplus; the par amount of Republic's common stock will not be reduced. The remaining 3,741 shares of the Scranton stock not required for such distribution have been disposed of or will be disposed of in the near future. Republic proposes to make the distribution, in partial liquidation, on March 12, 1951 to stockholders of record as of February 28, 1951. The shares of Scranton will be transmitted to Republic's stockholders of record by Provident Trust Company of Philadelphia ("Provident"), Distribution Agent. Only full shares of Scranton stock will be distributed, and holders entitled to fractional shares will receive in lieu of fractional shares registered Certificates of Interest in shares of Scranton stock; these Certificates of Interest when accumulated in amounts aggregating one or more full shares may be exchanged for shares of Scranton stock, and, unless so accumulated and presented for whole shares, shall expire at the end of six months after issuance, at which time Provident shall sell the shares of Scranton stock representing unexchanged Certificates of Interest and hold the proceeds for the account of stockholders entitled thereto, subject to subsequent disposition acceptable to Republic and the Commission. Republic agrees to report to the Commission within three months from the date of distribution as to the number of shares of Scranton stock still unclaimed, including such stock to which holders of unexchanged shares of Republic's formerly outstanding preferred stock may be entitled. Republic further agrees, if the Commission deems such action necessary and appropriate, to employ some method of personal solicitation and search, satisfactory to the Commission, for the purpose of locating and notifying holders of Republic's common stock who have not theretofore claimed their distribution of shares of Scranton, and holders of Republic's formerly outstanding preferred stock who have not theretofore exchanged such stock for Republic's common stock.

Republic proposes to publish once a week for three successive weeks in a newspaper of general circulation in New York City, beginning within one week of filing this amendment, a notice of the proposed distribution, and to send a similar notice to its stockholders within one week of the filing of this amendment.

Because of the inability to effect the distribution in the year 1950, the previous estimate of fees and expenses have been revised from $1,300, including legal fees of $500, to $1,800, including legal fees of $800.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2590; Filed, Feb. 23, 1951; 8:49 a. m.]

[File No. 70-2554]

INTERSTATE POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Interstate Power Company ("Interstate"), a registered holding company and an operating public utility company has filed a declaration and amendments

thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act").

Interstate proposes to issue and sell at par on or before April 15, 1951, and on or before September 15, 1951, promissory notes in the aggregate principal amounts of $2,500,000 and $2,000,000, respectively. Said notes will bear interest at the rate of 2¾ percent per annum, will mature 360 days from the date of the first borrowing and will be issued to The Chase National Bank of the City of New York and to Manufacturers Trust Company in equal amounts not to exceed $2,250,000 to each of said banks in accordance with the terms of a loan agreement dated January 9, 1951. The loan agreement provides that Interstate will pay an aggregate commitment fee of $9,000 to the two banks. The notes may be prepaid in whole or in part at any time without premium provided, however, that if such prepayment is made from proceeds of any bank borrowing, a premium at the rate of 1 percent per annum on the principal amount so prepaid, calculated from the date of such prepayment to the stated maturity of the notes, will be payable.

Interstate has requested the Commission to authorize, at this time, the issuance and sale of only $2,500,000 aggregate principal amount of the above described notes in equal amounts to the two above named banks on or before April 15, 1951, and to reserve jurisdiction with respect to the proposed issuance and sale of the additional $2,000,000 principal amount of said promissory notes. Declarant states that the proceeds of the notes will be applied toward the financing of its construction program and to reimburse the company for funds already used for new construction.

Said declaration having been filed on January 12, 1951, and the last amendment thereto having been filed on January 29, 1951, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said declaration, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Interstate having requested that the Commission's order herein issue at the earliest date possible and before February 19, 1951, and become effective upon issuance; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935, that said declaration, as amended, with respect to the issuance and sale by Interstate of $2,500,000 aggregate principal amount of 2¾ percent promissory notes, be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24;

It is further ordered, That jurisdiction be, and it hereby is, reserved over the issuance and sale by Interstate of an additional $2,000,000 principal amount of 2¾ percent promissory notes until a further order shall have been issued with respect thereto by this Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2589; Filed, Feb. 23, 1951; 8:48 a. m.]

[File No. 70-2561]

UNITED GAS CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of February, A. D. 1951.

In the matter of United Gas Corporation, United Gas Pipe Line Company, Union Producing Company; File No. 70-2561.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned subsidiaries, United Gas Pipe Line Company ("Pipe Line"), and Union Producing Company ("Union"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a) (1), 10 and 12 thereof and Rule U-43 (a) of the rules and regulations promulgated thereunder with respect to the following proposed transactions:

United, Union, and Pipe Line, are engaged in the production, purchase, transportation, distribution and sale of natural gas in the states of Texas, Louisiana and Mississippi. In addition, Pipe Line and Union are engaged in the production, transportation and sale of crude oil and extraction and sale of gasoline and other liquid hydrocarbons.

United proposes to purchase from Pipe Line a recently constructed research laboratory building and the equipment and fixtures used in connection therewith, all located in the city of Shreveport, Louisiana, for a cash consideration of $530,075.35, which is stated to be the actual depreciated cost of such property to Pipe Line. United also proposes to purchase from Union a tract of land consisting of 7.67 acres, upon which the research laboratory is located, for a cash consideration of $8,679.37, which is stated to be the actual cost of such land to Union.

Pipe Line maintains its own research department which deals with the day to day operating problems in connection with the production and transmission of natural gas, oil and other liquid hydrocarbons and in the development of new methods and processes in connection with said operations. The application-declaration states that Pipe Line is now enlarging its research personnel to take care of research problems with respect to current system operations. The application-declaration also states that the management of United has for some time considered the advisability of creating a research division whose activities will be devoted to the solution of problems as they arise with respect to day to day operations of United, Pipe Line and Union, and that in its opinion the best interests of the system, as an integrated operation, will be served by transferring the research duties to a separate division of United so that its service may be available equally to Pipe Line, Union, and the operating divisions of United. The application-declaration also states that upon consummation of the proposed transactions, research service will be available to system companies at cost.

The proceeds from the sale of property described above will be deposited by Pipe Line with the Corporate Trustee under its Mortgage and Deed of Trust dated September 25, 1944, in accordance with the provisions of such mortgage and deed of trust.

Said application-declaration having been filed on January 19, 1951, notice of said filing having been given in the form and manner required by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and the Commission not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are in compliance with the applicable standards of the act, that no adverse findings are necessary in connection therewith, and the Commission deeming it appropriate that said application-declaration be granted and permitted to become effective without the imposition of terms and conditions, and the Commission also deeming it appropriate to grant applicants'-declarants' request that the order herein become effective forthwith upon its issuance:

It is ordered, Pursuant to said Rule U-23 and the applicable provisions of said act that said application-declaration, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2593; Filed, Feb. 23, 1951; 8:49 a. m.]

[File No. 70-2567]

LOUISIANA POWER & LIGHT CO.

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Louisiana Power & Light Company ("Louisiana"), a utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed an appli-

cation-declaration pursuant to the Public Utility Holding Company Act of 1935, requesting approval of certain transactions, more particularly described below, pursuant to section 12 (d) of the act and Rule U-44 of the rules and regulations thereunder, or, in the alternative, requesting an order exempting the transactions from the application of section 12 (d) and Rule U-44 pursuant to the provisions of Rule U-100.

Louisiana proposes to transfer certain of its electric facilities installed in 1949 and 1950 at a stated cost of $234,735.50 to Gulf Public Service Company, Inc. ("Gulf"), a non-affiliate. In consideration of the transfer by Louisiana, Gulf will transfer to Louisiana certain electric facilities recorded by Gulf as of October 31, 1950 at a purported original cost of $170,198.82 and having an applicable reserve for depreciation stated at $27,863.09. The application states that the purpose of the transfer is to promote more efficient service in each of the companies and to achieve economies of operations. It is further stated that the transfer of facilities will result in bringing into Louisiana properties which are in its service area and to transfer to Gulf properties which are in the latter's service area. In addition, the application-declaration states that the acquisition by Louisiana will result in lower rates and that the transfer by Louisiana will afford Gulf greater capacity.

The proposed transactions have been specifically authorized by the Public Service Commission of Louisiana, which commission has jurisdiction over both companies and by the Federal Power Commission, which has asserted jurisdiction over both companies.

It appearing to the Commission that the proposed exchanges of properties will tend towards the development of integrated public utility systems of both Louisiana and Gulf in accordance with section 2 (a) (29) (A) and section 10 of the act, and it also appearing to the Commission that the proposed disposition of properties by Louisiana is subject to the provisions of Rule U-44; it further appearing that the proposed acquisitions of assets have been approved by the Public Service Commission of the State of Louisiana and are thereby exempt pursuant to the provisions of section 9 (b) (1) of the act, and the Commission finding in view of the nature of the transactions and the authorization heretofore granted by the Federal Power Commission to Louisiana and Gulf that it is not necessary or appropriate in the public interest or for the protection of investors or consumers that the disposition of facilities proposed by Louisiana be subject to the requirements of Rule U-44:

It is ordered, Pursuant to the provisions of Rule U-100 (a) that the transactions summarized above be, and the same hereby are, exempted, effective forthwith, from the provisions of Rule U-44.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2592; Filed, Feb. 23, 1951; 8:49 a. m.]

[File No. 70-2568]

UTAH POWER & LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Notice is hereby given that Utah Power & Light Company ("Utah"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935, and has designated sections 6 (a) and 7 thereof as applicable to the proposed transactions which are summarized as follows:

Utah proposes, during the year 1951, to borrow from certain banks amounts not to exceed in the aggregate $12,000,000. Such loans will be evidenced by promissory notes payable December 15, 1951, and bearing interest at the rate of 2½ percent per annum.

The declaration states that the proceeds from the proposed borrowings are to be used in connection with Utah's construction program. It is further stated that during the year 1951 Utah proposes to issue and sell 200,000 shares of common stock and to issue and sell first mortgage bonds in an amount presently estimated at not to exceed $10,000,000. Proceeds from such later financing will be used to repay the loans herein proposed and to provide additional funds for Utah's construction program, which, it is estimated, will entail the expenditure of approximately $44,000,000 in the years 1951–53, inclusive, of which the estimated expenditures for the year 1951 are approximately $18,000,000.

Declarant requests that the Commission issue its order herein as promptly as may be practicable, and that such order become effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than March 6, 1951 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 6, 1951 at 5:30 p. m., e. s. t., said declaration as filed, or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof. All interested persons are referred to said declaration which is on file with the Commission for a statement of the transactions therein proposed.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2591; Filed, Feb. 23, 1951; 8:49 a. m.]

[File No. 70-2572]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of February A. D. 1951.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), regarding the proposed establishment by GPU of an Employees Savings and Retirement Income Plan.

All interested persons are referred to said application-declaration which is on file in the offices of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

GPU contemplates requesting its stockholders, at the annual meeting to be held on April 2, 1951, to consider and vote upon a proposal to approve the establishment of an Employees Savings and Retirement Income Plan. The plan provides, among other things, for contributions by GPU (1) for past service benefits to its employees, which are estimated to require a lump sum payment of $151,000 and (2) for future service benefits which, based upon salaries in effect on January 1, 1951, would require annual contributions by the corporation of about $31,000. Under the plan employees of GPU may voluntarily contribute up to 4 percent of their base pay toward future service benefits.

The foregoing contributions are to be deposited with the Chemical Bank & Trust Company as trustee. The trustee will invest the contributions received by it, and income thereon, in shares of GPU common stock purchased by it in the market from time to time.

GPU will guarantee that the aggregate value of the common stock purchased by the trustee with the employees' own contributions and the income thereon, will not as of the date of such employees' death, termination of employment, retirement or attainment of Normal Retirement Date, whichever is earlier, be less than the employees' own contributions.

The establishment of the Plan is subject to (1) the approval of the Plan by a vote of the holders of a majority of the GPU common stock represented and entitled to vote at the annual meeting to be held on April 2, 1951, (2) the obtaining of a ruling from the Bureau of Internal Revenue that the Plan and the trust established in connection therewith, conform to the requirements of sections 23 (p) and 161 (a) of the Internal Revenue Code, (3) such approval, if any, by the Securities and Exchange Commission as may be required under the act and (4) such approval, if any, as may be requisite under wage and salary control regulations.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the proposed transactions and that said application-declaration should

not be permitted to become effective except pursuant to the further order of this Commission:

It is ordered, Pursuant to the applicable provisions of the act and rules and regulations promulgated thereunder, that a hearing with respect to said application-declaration be held on February 27, 1951, at 10:00 a. m., e. s. t., at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise participate in this proceeding shall file with the Secretary of the Commission, on or before February 23, 1951, a written request therefor as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That James G. Ewell or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof and without prejudice to additional matters or questions being specified upon further examination, the following matters or questions are presented for consideration:

1. Whether the proposed guarantee by GPU of the contributions made by employees toward future service benefits constitutes the issuance of a security and, if so, whether such security satisfies the applicable provisions of section 7 of the act.

2. Whether the acquisition of the common stock of GPU by the trustee and the proposal involving transactions between GPU and its affiliates (officers and directors) are consistent with the provisions of sections 10, 12 (c) and 12 (f) of the act and, if so, what, if any, terms and conditions should be imposed in respect thereof.

3. Whether, and to what extent, the proposals should be modified or terms and conditions imposed to insure adequate protection of the public interest and interests of investors and consumers and compliance with all applicable provisions of the act.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this notice of filing and order for hearing to GPU and the Chemical Bank & Trust Company, New York City, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2588; Filed, Feb. 23, 1951; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 17314]

KONVERSIONSKASSE FUER DEUTSCHE AUSLANDSSCHULDEN

In re: Account and certificates owned by Konversionskasse fuer Deutsche Auslandsschulden, also know as Conversion Office for German Foreign Debts. F-28-1347-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the last known address of which is Berlin C111, Germany, is a public corporation, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Halsey, Stuart & Co., Inc., 123 South La Salle Street, Chicago 90, Illinois, arising out of a coupon deposit account, entitled "Nassau Land Bank 6½ percent 1st Mortgage Sinking Fund Collateral Gold Notes due March 1, 1938", together with any and all accruals thereto, maintained at the office of the said Halsey, Stuart & Co., Inc., and any and all rights to demand, enforce and collect the same, and

b. Those certain Reichsmark Certificates of Indebtedness of Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, in the aggregate amount of approximately RM 5135, presently in the custody of Halsey, Stuart & Co., Inc., 123 South La Salle Street, Chicago 90, Illinois, said certificates of indebtedness having been offered by the said Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, together with the funds deposited in the account described in subparagraph 2-a hereof, in settlement of interest coupons appertaining to the bonds named in said subparagraph 2-a hereof, and any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or account of, or owing to, or which is evidence of ownership or control by Konversionskasse fuer Deutsche Auslandsschulden, also known as Conversion Office for German Foreign Debts, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 51-2556; Filed, Feb. 21, 1951; 8:51 a. m.]

[Vesting Order 17107]

GEORGE MAULBETSCH ET AL.

In re: Cash and Securities owned by George Maulbetsch and others. D-28-10346-A-1; C-1; E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Maulbetsch, Michael Friedrich Finkbeiner, Maria Magdalena Klumpp, Karl Bernhardt Finkbeiner, Friedericke Jetter, Emma Rohrer, Jacobine Raisch, Christine Schelling, Marie Haist, Pauline Grossman, and Fritz Maulbetsch, each of whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Three-fifths (3/5ths) interest in one (1) Abington Estd. first 2½ percent to 3 percent (formerly 6¼ percent) bond of $1,000 face value, bearing the number M339, presently in the custody of Otto E. Haab, 308-9 Ann Arbor Trust Building, Ann Arbor, Michigan, together with any and all rights thereunder and thereto,

b. Three-fifths (3/5ths) interest in those certain debts or other obligations matured or unmatured of the Equitable

Trust Company of Detroit, Michigan, evidenced by certificate number 197 representing sixty forty-eight thousand two hundred and seventieths (60/48270) interest in $48,720 of defaulted interest coupons on bond M339 of The Abington, presently in the custody of Otto E. Haab, Agent and Attorney for the heirs of Andrew Maulbetsch, deceased, 308–9 Ann Arbor Trust Building, Ann Arbor, Michigan, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and any and all rights in, to and under the aforesaid 3/5 interest in said certificate, and

c. Three-fifths (3/5ths) interest in that certain debt or other obligation of the Ann Arbor Bank, Ann Arbor, Michigan, arising out of a commercial account, entitled Andrew Maulbetsch Trust, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 17, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–2601; Filed, Feb. 23, 1951; 8:51 a. m.]

[Vesting Order 17131]

MARGARET DUNKAK

In re: Mortgage participation certificate and cash owned by Margaret Dunkak. F–28–2220.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Dunkak, whose last known address is Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Any and all rights and interests in, to and under one (1) mortgage participation certificate numbered 120-719, issued by Bond Mortgage Guaranty Company of New York, including any and all rights to receive any liquidating payments due or to become due thereon, together with those certain funds presently in the custody of Manufacturers Trust Company, 55 Broad Street, New York, New York, representing liquidating payments under the aforesaid participation, certificate, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–2602; Filed, Feb. 23, 1951; 8:51 a. m.]

[Vesting Order 17245]

CARL ALBERT FEUBEL

In re: Rights of Carl Albert Feubel, also known as Albert C. Feubel, under insurance contracts. File No. F–28–24691–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Albert Feubel, also known as Albert C. Feubel, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by (A) Deferred Life Annuity Policies Nos. 8,874,471½, 8,895,763½, 9,063,768½, 9,129,070½, 9,168,869½, 9,238,893½, 9,307,679½, 9,311,156½, 9,311,157½, 9,371,250½, 9,371,251½, 9,371,252½, 10,184,200½, 10,184,201½, 10,184,202½, 10,184,203½, 10,184,204½, 10,184,205½, 10,184,206½ and 10,184,207½; and (B) Refund Annuity Policies Nos. 9,063,768, 9,129,070, 9,168,869, 9,238,893, 9,307,679, 9,371,250, 10,184,200, 10,184,202, 10,184,203, 10,184,204, 10,184,205, and 10,184,207, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Carl Albert Feubel, also known as Albert C. Feubel, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–2603; Filed, Feb. 23, 1951; 8:52 a. m.]

[Vesting Order 17246]

MRS. CHARLOTTE FOX ET AL.

In re: Rights of Mrs. Charlotte Fox et al., under insurance contract. File No. F–28–3130–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Charlotte Fox, Albert Frank Fox and Herbert William Fox, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Mrs. Charlotte Fox, Albert Frank Fox and Herbert William Fox under a contract of insurance evidenced by Policy No. 389485, issued by The Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin, to Albert F. Fox, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2604; Filed, Feb. 23, 1951; 8:52 a. m.]

[Vesting Order 17247]

MRS. CHARLOTTE FOX ET AL.

In re: Rights of Mrs. Charlotte Fox et al., under insurance contract. File No. F-28-3130-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Charlotte Fox, Albert Frank Fox and Herbert William Fox, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Mrs. Charlotte Fox, Albert Frank Fox and Herbert William Fox under an annuity contract evidenced by policy No. 779000, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Albert F. Fox, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2605; Filed, Feb. 23, 1951; 8:52 a. m.]

[Vesting Order 17248]

MRS. CHARLOTTE FOX ET AL.

In re: Rights of Mrs. Charlotte Fox et al. under insurance contract. File No. F-28-3130-H-3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Charlotte Fox, Albert Frank Fox and Herbert William Fox, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Mrs. Charlotte Fox, Albert Frank Fox and Herbert William Fox under annuity contract evidenced by policy No. 2711, issued by The Mutual Life Insurance Company of New York, New York, New York, to Albert F. Fox, together with the rights to demand, receive and collect said net proceeds.

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2606; Filed, Feb. 23, 1951; 8:52 a. m.]

[Vesting Order 17251]

WILLIAM SEKIFUMI ISHIKAWA ET AL.

In re: Rights of William Sekifumi Ishikawa et al., under contract of insurance. F-39-5973-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Sekifumi Ishikawa and Tamaye Ishikawa, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1147550 issued by the Occidental Life Insurance Company of California, Los Angeles, California, to William Sekifumi Ishikawa, together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, William Sekifumi Ishikawa or Tamaye Ishikawa, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2607; Filed, Feb. 23, 1951; 8:52 a. m.]

[Vesting Order 17260]

MRS. CHIYO UYEMURA ET AL.

In re: Rights of Mrs. Chiyo Uyemura et al., under insurance contract. File No. F-39-6084-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Chiyo Uyemura, Miss Yayeko Uyemura, Miss Miyoko Uyemura and Miss Toshiko Uyemura, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Mrs. Chiyo Uyemura, Miss Yayeko Uyemura, Miss Miyoko Uyemura and Miss Toshiko Uyemura under a contract of insurance evidenced by policy No. 392581, issued by the West Coast Life Insurance Company, San Francisco, California, to Tadashige Uyemura, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2608; Filed, Feb. 23, 1951; 8:52 a. m.]

[Vesting Order 17271]

WALLY GREINER

In re: Claim owned by Wally Greiner. F-28-26650-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wally Greiner, who there is reasonable cause to believe is a resident of Germany, is a national of a designated enemy country (Germany);

2. That the property described as follows: The claim against the State of New York and the Comptroller of the State of New York arising by reason of the collection or receipt by said Comptroller, pursuant to the provisions of the Abandoned Property Law of the State of New York, of the following: That sum of money previously on deposit with the Superintendent of Banks of the State of New York in Trust for Depositors and Creditors of the Bank of United States, in Liquidation, 80 Spring Street, New York 12, New York, for the account of Wally Greiner, representing unclaimed liquidating dividends on claim S-8596, and any and all rights to file with said Comptroller, demand, enforce and collect the aforesaid claim,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 26, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2609; Filed, Feb. 23, 1951; 8:53 a. m.]

[Vesting Order 17303]

DORETTE HERWEG

In re: Rights of Dorette Herweg under contract of insurance. File No. F-28-30634-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorette Herweg, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 107 646 545, issued by the Metropolitan Life Insurance Company, New York, New York, to Frederick Herweg, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 6, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2610; Filed, Feb. 23, 1951; 8:53 a. m.]

[Vesting Order 17342]

FRANK DOJAHN

In re: Estate of Frank Dojahn, also known as Frank Doyahn, deceased. File No. D–28–12947; E. T. sec. 17092.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Kerner, also known as Johann Kerner, Rosie Griehsmer, Lena Dries, Frida Fischer, Karl Haas, Lorenz Haas, Killian Haas, Joseph Haas, Ludwig Kerner, Alfred Griehsmer, Rudolph Griehsmer, Victor Griehsmer, Katharina Schreiner, Rosa Hof, Mathilda Dries and Martha Miller, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof in and to the estate of Frank Dojahn, also known as Frank Doyahn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Adolph Kramer, Jr., as executor, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–2613; Filed, Feb. 23, 1951; 8:53 a. m.]

[Vesting Order 17347]

SUSUMU HASUIKE ET AL.

In re: Rights of Susumu Hasuike et al. under insurance contracts. Files Nos. D–39–3962–H–6, 7.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Susumu Hasuike and Mitsuye Hasuike, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 356542 and 378942, issued by the American National Insurance Company, Galveston, Texas, to Susumu Hasuike, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contracts of insurance except those of the aforesaid American National Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Susumu Hasuike or Mitsuye Hasuike, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–2614; Filed, Feb. 23, 1951; 8:53 a. m.]

[Vesting Order 17349]

LEONHARD M. KLUFTINGER

In re: Rights of Leonhard M. Kluftinger under insurance contract. File No. F–28–3216–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Leonhard M. Kluftinger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due to Leonhard M. Kluftinger under a contract of insurance evidenced by Group Contract No. 266, Certificate No. 508, issued by the Metropolitan Life Insurance Company, New York, New York, to Leonhard M. Kluftinger, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Herold Matthew, a resident of the United States, and of the aforesaid Metropolitan Life Insurance Company, together with the right to demand, enforce, receive and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51–2615; Filed, Feb. 23, 1951; 8:54 a. m.]

[Vesting Order 17350]

PAUL LEVERKUEHN ET AL.

In re: Rights of Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn, et al., under insurance contract. File No. F–28–31200–H–1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn and Renate Kuhne, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the children, names unknown, of Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance

evidenced by policy No. 4,665,300, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Equitable Life Assurance Society of the United States together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn or Renate Kuhne or children, names unknown, of Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the children, names unknown, of Paul Leverkuehn, also known as Paul Martin Adolf Leverkuehn, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2616; Filed, Feb. 23, 1951; 8:54 a. m.]

[Vesting Order 17351]

CLARA MADLER MANZ

In re: Estate of Clara Madler Manz, deceased. D-28-12417; E. T. sec. 16640.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Josephine Manz, whose last known address is Germany, is a resident of Germany and national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Josephine Manz, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Clara Madler Manz, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by John M. Niven, as administrator, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

5. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Josephine Manz, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2617; Filed, Feb. 23, 1951; 8:54 a. m.]

[Vesting Order 17353]

JOHN ROTH

In re: Estate of John Roth, deceased. File No. D-28-1293; E. T. sec. 8205.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Luise Wagner, also known as Louise Wagner, Max Roth, Hermann Roth, Elizabeth Roth, Martha Hauck and Maria Schackerer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of John Roth, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Stephen G. Doig, Jr., as executor, acting under the judicial supervision of the Surrogate's Court of Rockland County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2618; Filed, Feb. 23, 1951; 8:54 a. m.]

[Vesting Order 17355]

GEORGE SCHMIDT ET AL.

In re: Rights of George Schmidt et al. under certain contracts of insurance. Files Nos. F-28-26596-H-1; H-2; H-3; H-4; H-5.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Schmidt and Anna M. Schmidt, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by Policies Nos. 25937603, 16844006, 16844005, 15597243 and 15597242, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to George Schmidt, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid John Hancock Mutual Life Insurance Company together with the right to demand, enforce, receive and collect the same is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by George Schmidt or Anna M. Schmidt, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2619; Filed, Feb. 23, 1951; 8:54 a. m.]

[Vesting Order 17358]

HARRY TEIJI TESHIROGI

In re: Rights of Harry Teiji Teshirogi under contract of insurance. File No. F-39-6773-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Harry Teiji Teshirogi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the net proceeds due or to become due to Harry Teiji Teshirogi under a contract of insurance evidenced by Policy No. 124184 issued by the Beneficial Life Insurance Company, Salt Lake City, Utah, to Harry Teiji Teshirogi, and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of Makio Teshirogi, a resident of the United States, and those of the aforesaid Beneficial Life Insurance Company together with the right to demand, enforce, receive and collect the same

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2620; Filed Feb. 23, 1951; 8:55 a. m.]

[Vesting Order 17382]

KAZUSO SHIBATA AND SAMONJI TAKEDA

In re: Cash owned by Kazuso Shibata and Samonji Takeda, also known as Hoshu Takeda. F-39-4814-E-1, F-39-5768.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kazuso Shibata and Samonji Takeda, also known as Hoshu Takeda, each of whose last known address is Japan are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Cash in the sum of $548.03 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915 "Deposits, Funds of Civilian Internees and Prisoners of War", in the name of Kazuso Shibata, and any and all rights to demand, enforce and collect the same, and

b. Cash in the sum of $231.37 presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War", in the name of Samonji Takeda, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2624; Filed, Feb. 23, 1951; 8:55 a. m.]

[Vesting Order 17360]

KIYOSHI TOGASAKI ET AL.

In re: Rights of Kiyoshi Togasaki et al. under insurance contract. File No. F-39-3798-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoshi Togasaki, Misu Togosaki, Gordon Shigeru and Elizabeth Emiko, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 10804693 issued by the New York Life Insurance Company, New York, New York, to Kiyoshi Togasaki, and any and all other benefits of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid New York Life Insurance Company, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kiyoshi Togasaki or Misu Togasaki or Gordon Shigeru and Elizabeth Emiko, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used,

administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2621; Filed, Feb. 23, 1951; 8:55 a. m.]

[Vesting Order 17372]

WALTER C. HALBACH

In re: Cash owned by personal representatives, heirs, next of kin, legatees and distributees of Walter C. Halbach, deacesd. F-28-3132.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Walter C. Halbach, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: Cash in the sum of $3,492.20 presently in the possession of the Department of the Treasury of the United States in Miscellaneous Receipt Account 10-1591, "Forfeitures; Wages of Seamen Remaining in Registry of Courts More Than Six (6) Years" in the name of Walter C. Halbach, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the personal representatives, heirs, next of kin, legatees and distributees of Walter C. Halbach, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Walter C. Halbach, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2623; Filed, Feb. 23, 1951; 8:55 a. m.]

[Vesting Order 16284, Amdt.]

TOICHI UNO ET AL.

In re: Rights of Toichi Uno et al., under contract of insurance. File No. D-39-30 H-1.

Vesting Order No. 16284 dated December 7, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hanayo Uno, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Toichi Uno, deceased, who there is reasonable cause to believe are residents of Japan are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 8 052 250, issued by the New York Life Insurance Company, New York, New York, to Toichi Uno, together with the right to demand, receive and collect said net proceeds,

is property within the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next-of-kin, legatees and distributees, names unknown, of Toichi Uno, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2625; Filed, Feb. 23, 1951; 8:55 a. m.]

[Vesting Order 17361]

KIYOSHI TOGASAKI ET AL.

In re: Rights of Kiyoshi Togasaki et al. under insurance contract. File No. F-39-3798-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyoshi Togasaki and Misu Togasaki, whose last known address is Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7,594,036 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Kiyoshi Togasaki and any and all other benefits and rights of any kind or character whatsoever under or arising out of said contract of insurance except those of the aforesaid The Prudential Insurance Company of America, together with the right to demand, enforce, receive and collect the same, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kiyoshi Togasaki or Misu Togasaki, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 13, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2622; Filed, Feb. 23, 1951; 8:55 a. m.]